

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, July 24, 2000
7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairperson Kenneth B. Bennington at 7:29PM and opened with the Pledge of Allegiance.

Also present were: John S. Bender, Vice-Chairperson
E. Diane Parks, Supervisor
Gregory J. Lippincott, Township Manager
C. Robert Wynn, Township Engineer
Francis X. Grabowski, Township Solicitor
Kerry L. Trauger, Chief of Police
Lorraine E. Leslie, Township Treasurer

Chairperson Bennington announced that the Supervisors met in Executive Session on July 13, 2000 to discuss legal matters and prior to this meeting in order to discuss legal and real estate matters.

Chairperson Bennington advised that Judge Heckler recently decided that the Hilltown Township Cell Phone Ordinance was null and void, and pre-empted by the Motor Vehicle Code. Though the Board of Supervisors is disappointed, they have decided to comply and will not appeal the judge's decision to the highest levels. The Supervisors thanked the Hilltown Police Department, administrative staff, and the Public Works Department; as well as local newspapers, except for a few exceptions, who reported fairly and supported the Ordinance one hundred percent. The Board felt it was a very important and worthwhile Ordinance that would have saved lives, and they will continue to lobby the Legislature to adopt a law on the State level. During the Solicitor's Report portion of the agenda, the Board will be adopting a Resolution to present to Governor Ridge and other State officials expressing this opinion.

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

B. APPROVAL OF MINUTES – Action on the minutes of the June 26, 2000 Board of Supervisor's Meeting – Motion was made by Supervisor Bender, and seconded by Chairperson Bennington, to approve the minutes of the June 26, 2000 Board of Supervisor's Meeting, as written. Supervisor Parks abstained because she was not present at that meeting. There was no public comment.

Action on the minutes of the July 10, 2000 Board of Supervisor's Worksession Meeting – Motion was made by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously to approve the minutes of the July 10, 2000 Board of Supervisor's Worksession Meeting, as written. There was no public comment.

C. APPROVAL OF CURRENT BILLING: Chairperson Bennington presented the Bills List dated July 25, 2000 with General Fund payments in the amount of \$75,578.49, State Highway Aid Fund payments in the amount of \$2,094.97, and Escrow Fund payments in the amount of \$1,466.56; for a grand total of all payments in the amount of \$79,140.02.

Motion was made by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously to approve the Bills List dated July 25, 2000. There was no public comment.

D. CONFIRMED APPOINTMENTS: None.

E. MANAGER'S REPORT – Mr. Greg Lippincott, Township Manager –

1. A request for participation in the next three-year household hazardous waste collection program has been received from the Bucks County Commissioners. In 1997, all fifty-four communities in Bucks County elected to participate. The amount billed to each municipality is based upon the average cost per program participant, therefore, the more residents that attend from the community will reduce the overall cost per participating resident. The requested commitment from Hilltown Township for the years 2001, 2002, and 2003 is \$1,225.00 per year, for a total cost of \$3,676.00. The Commitment Form must be returned to Bucks County by Friday, July 28, 2000.

Motion was made by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously to approve participation in the three-year household hazardous waste collection program as specified above. There was no public comment.

2. The Sellersville Fire Company returned their signed Fire Protection Agreement for execution by the Supervisors following this meeting.

3. Plans are being formulated for the first Hilltown Township Business Open House here at the Municipal Building. Tentative date has been scheduled for Wednesday, October 25, 2000. The event will be catered by Blooming Glen Pork Products. Mr. Lippincott explained that the objective of this meeting is to discuss issues with the business community, perhaps what services the Township might be able to provide and what the businesses might be able to do for the Township.

4. At their meeting of July 13th, the Park and Recreation Board made several recommendations, as follows:

- They were opposed to the idea of any fences and/or grazing of sheep or other livestock being permitted on Township Open Space.

The Supervisors directed Mr. Lippincott to notify Mr. Jager that they would render their decision to his request at the August 14, 2000 worksession meeting.

- Recommendation 00-4 – At their regularly scheduled meeting of May 11, 2000, the Park and Recreation Board voted unanimously to recommend to the Township Supervisors that Heritage Builders be required to build three level athletic fields, 200 ft. wide by 320 ft. long each, with paved parking for 90 vehicles on the Orchard Hill open space on Telegraph Road. Additionally, it recommends that all trails built in the subdivision or the open space be built to ASHTO Standards. The Park and Recreation Board then added an addendum to Recommendation 00-4 at their May 11, 2000 meeting, which states “The Supervisors should accept the plan dated April 18, 2000, Job #9860 with the following changes: Paved parking for a minimum of 90 vehicles, one large parking area would be preferred. Heritage will supply the following: 1 set of Lacrosse goals, 1 set of combination soccer and football goals, and 2 sets of soccer goals. All goals are to be portable. Heritage will also provide six 14” aluminum players benches (2 per field), that are also portable.”

Chairperson Bennington would like to table this issue for further discussion when review of the Orchard Hill Subdivision takes place later in this meeting. Supervisors Parks and Bender agreed.

5. Information has been received concerning the Community Development Block Grant Program. Mr. Lippincott requested authorization to advertise the public hearing to consider applications for Community Development Block Grant Funds. Deadline for submission to the County is October 2, 2000.

Motion was made by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously to authorize the advertisement of the Public Hearing concerning the Community Development Block Grant Program at the August 28, 2000 Supervisors meeting. There was no public comment.

6. Mr. Lippincott requested authorization for Sgt. Chris Engelhart and himself to attend a 2-day seminar concerning domestic terrorism. The fee is \$75.00 per person.

Motion was made by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously to authorize the attendance of Chris Engelhart and Greg Lippincott at the 2-day seminar concerning domestic terrorism, at a fee of \$75.00 per person. There was no public comment.

7. To date, nearly 900 responses to the Comprehensive Plan Task Force Survey have been received, with approximately 100 residents responding via the Hilltown web site and 800 residents responding via mail and/or fax.

8. Mr. Gerner has prepared a draft of the summer newsletter, which is in the Supervisor's packets for review, comment, and suggestions.

9. Mr. Lippincott presented Mr. Guttenplan's Work Status Report concerning the fifth Comprehensive Plan Task Force meeting; a copy of which is on file at the Township office.

10. Notification has been received from Mr. Mike Beatrice advising of his resignation from the Hilltown Planning Commission, due to time constraints with his job.

Chairperson Bennington noted there had already been one vacancy on the Planning Commission with the resignation of Mr. Jim Coyne in April of this year. The Planning Commission interviewed five candidates for that vacancy, and the Supervisors are prepared to make appointments for both vacancies this evening. Supervisor Parks is pleased that there is an increase of interest in public participation on the various Township boards. It can be very difficult to find interested individuals since these are unpaid positions, with a great deal of detail work and homework, as well as public scrutiny. Supervisor Parks thanked all the individuals who applied for these vacancies, and thanked the existing volunteer board members for their time and commitment.

Motion was made by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously to appoint Mr. David Brooke Rush to complete the remaining term for the seat left vacant by Mr. Jim Coyne on the Hilltown Planning Commission (term to expire on December 31, 2002), and to appoint Mr. Keith Miller to complete the remaining term for the seat left vacant by Mr. Mike Beatrice on the Hilltown Planning Commission (term to expire on December 31, 2002). There was no public comment.

Supervisor Parks commented that one of the Board's commitments for this and subsequent years is to insure that the Township provide training for individuals who are volunteering to participate on various boards and commissions. Supervisor Parks recommended that Mr. Rush and Mr. Miller attend Planning Commission training as classes become available. Chairperson Bennington also requested that correspondence be sent to the individuals who were not selected to fill the Planning Commission vacancies, thanking them for their time and interest.

F. CORRESPONDENCE – Mr. Greg Lippincott, Township Manager –

1. Correspondence has been received from Pam Register of the North Penn Regional Improvement Association, Inc. regarding potential improvements for the Orvilla Road/Rt. 309 intersection, and the Cherry Lane/Township Line Road intersection. The N.P.R.I.A. has expressed concern over traffic patterns at these particular intersections. If the Board would like Mr. Lippincott to pursue this matter, he requested authorization to include Mr. Wynn in the investigation. The Board was in agreement.

2. Correspondence and a copy of the Bedminster Township Resolution signifying their desire to enter into a joint water study with other Upper Bucks municipalities is included in the Supervisor's packets.

3. Correspondence has been received from the Perkasio Ambulance Corps. requesting access to the Township's database for listing of Township residents and their mailing addresses. Mr. Lippincott is seeking direction as to how to respond to this request. Personally, Chairperson Bennington is not in favor of the Perkasio Ambulance Corp. having access to the Township's database. Supervisor Parks agreed, noting that the request is clearly for solicitation purposes, and if permission is granted, it would be setting a precedence. Supervisor Parks noted that the information requested is available through the voter's registration roles at the Bucks County Board of Elections for a small fee. The Supervisors were unanimously opposed to providing the Township's database information for this request.

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

1. In June, the Township received correspondence from the Perkiomen Watershed Conservancy, requesting that the Supervisors pass a non-binding Resolution recognizing bodies of water, the Pleasant Spring Creek and the Mill Creek, that flow through Hilltown Township as a vital community resource, and authorizing permission to post four signs to be placed on Township roads advising the names of those streams that flow through Hilltown Township. To that end, Solicitor Grabowski prepared a proposed Resolution for the Board's consideration.

Motion was made by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously to **adopt Resolution #2000-20, recognizing the Pleasant Spring Creek and the Mill Creek as vital natural resources for the citizens of Hilltown Township, and pledging, as a public custodian of the natural resources of Hilltown Township, to protect and safeguard said natural resources from potential degradation of quality and quantity.** There was no public comment.

2. A request has been received from Peruzzi Toyota for their property located on Rt. 309. Peruzzi's land has an existing PennDot easement that they would like to have terminated and extinguished through PennDot. PennDot is willing to do so, however they are requesting the consent of Hilltown Township to also indicate that the municipality has no ownership interest in the easement area. Solicitor Grabowski explained that the Township staff has reviewed records, and determined that there is no reason to believe that the Township has any ownership interest or any beneficial interest in this easement that was granted to PennDot. Solicitor Grabowski advised that Peruzzi Toyota has contributed a sum of \$250.00 to the Hilltown Township open space program fund.

Motion was made by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously to **adopt Resolution #2000-21, confirming and verifying a lack of ownership interest in the Pennsylvania Department of Transportation right-of-way adjacent to the Rt. 309 frontage of Peruzzi Toyota within Hilltown Township.** There was no public comment.

3. Solicitor Grabowski referred to the decision made recently by Judge Heckler declaring the Cellular Telephone Regulation Ordinance that Hilltown Township adopted in December of 1999 null and void by the Bucks County Court of Common Pleas based upon a pre-emption by the Pennsylvania Motor Vehicle Code. Solicitor Grabowski presented a proposed Resolution submitting findings of fact to the Pennsylvania State Legislature seeking its support for legislation to place sensible limits upon the use of cellular and mobile telephones when driving a motor vehicle upon the highways of the Commonwealth of Pennsylvania; and resolving that this Resolution be communicated to other sister municipalities within Pennsylvania with a request for their support of this Resolution and of legislation from the Commonwealth of Pennsylvania.

Chairperson Bennington noted that in December of 1999, the previous Board of Supervisors passed legislation because a driver who later admitted he was dialing a cell phone, was responsible for the death of a two-year old child, Morgan Lee Pena, at the intersection of Rickert Road and Rt. 152. The Supervisors passed this Ordinance because they wished to protect other children and motorists who drive through Hilltown Township. The Board of Supervisors had hoped that the State of Pennsylvania would pass similar legislation, however that did not happen. Chairperson Bennington accepts the judge's decision that Hilltown's Cell Phone Ordinance is null and void, and that it is preempted by the State statute. He did, however, warn drivers that if they drive carelessly through Hilltown Township, they will be cited for reckless driving, which is part of the State Motor Vehicle Code. Chairperson Bennington believes the Township received fair treatment from most of the newspapers and most of the columnists, and stated that the Township had the full support of an overwhelming majority of the population by adopting the Cell Phone Ordinance. The Ordinance was put in place to

protect lives. Chairperson Bennington is disappointed at the judge's decision, however it will not stop him from speaking out on this issue by trying to persuade representatives, senators, and even the Governor to pass legislation in the next session. Chairperson Bennington wished to make it clear that while the Cell Phone Ordinance was in effect, it was not a primary offense, rather it was a concurrent fine. This means that motorists were not being stopped simply because they were using a cell phone while driving, this was concurrent with the offense of reckless driving. Supervisor Bender commented that if the Board had the opportunity to pass this Ordinance all over again, they certainly would.

Motion was made by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously to **adopt Resolution #2000-22, submitting findings of fact to the Pennsylvania State Legislature seeking its support for legislation to place sensible limits upon the use of cellular and mobile telephones when driving a motor vehicle upon the highways of the Commonwealth of Pennsylvania; and resolving that this Resolution be communicated to other sister municipalities within Pennsylvania with a request for their support of this Resolution and of legislation from the Commonwealth of Pennsylvania.** There was no public comment.

4. Solicitor Grabowski requested to meet with the Board in Executive Session following this meeting in order to discuss pending litigation.

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

1. Orchard Hill Subdivision (Preliminary) - The Planning Commission recommended conditional preliminary plan approval of the Orchard Hill Subdivision at their meeting on Jun 19, 2000. At the Supervisors meeting of June 26, 2000, the plan was tabled and a thirty-day extension was granted by Heritage Building Group to permit further consideration. Currently, action on this plan is required by August 1, 2000.

Ms. Beverly Curtin of Heritage Building Group; Mr. Bob Irick, the applicant's engineer; Mr. John Van Luvanee, the applicant's legal counsel; and Ms. Lydia Alexa, director of property management for Heritage Building Group were in attendance to present the plan. A court reporter contracted by Heritage Building Group, was also present. At the last meeting, one of the major concerns was the recommendation of recreational facilities by the Park and Recreation Board. The applicant has proposed the following: three playfields, seven tot lots, three tennis courts, one swimming pool, and a 10 ft. wide lighted pedestrian path with public access. The Planning Commission recommended waiver of the playfield setback requirements along Telegraph Road to permit an increase in the length of the proposed playfields. Encroachment into the setback area is conditioned upon installation of an evergreen buffer and fence in a manner satisfactory to the Township between the playfields and Telegraph Road. There was an additional

recommendation from the Park and Recreation Board that the developer provide play equipment. Mr. Irick explained the applicant is proposing to enlarge two of the playfields shown on the plan, and is also proposing a parking lot extension to provide for 90 vehicles, instead of 66 vehicles as originally proposed. Supervisor Parks asked how close the rear of the proposed parking area is to the stream. Mr. Irick believes it will be approximately 15 ft. from the rear of the parking area. Mr. Wynn noted the applicant requested a waiver of the requirements for curbing, cartway widening, and sidewalk along the playfield side of Telegraph Road. The applicant agreed to provide earth shoulder improvements and grading along the playfield side of Telegraph Road. Discussion took place concerning pedestrian access to the playfields and the parking area due to the stream that crosses the site. The Supervisors wish to ensure that there is a crossing of the Waters of the Commonwealth from the paved parking area to the playfield on the north side of the tract. Further, grading must be adjusted accordingly to provide pedestrian access from the parking area to the playfield. Supervisor Bender noted that the three playfields as proposed do not meet the recommendation made by the Park and Recreation Board. Ms. Curtin explained that what Heritage has proposed exceeds the Ordinance requirement of 175,000 sq. ft. for playfields. In addition to what is being proposed on the open space to be owned by the Township, Mr. Wynn advised the applicant is proposing a 10 ft. wide lighted walking path, with public access. This walking path will travel from Rt. 152 through the open space area that will be privately owned by the developer via a public easement to the proposed Township owned open space.

It is very important to Supervisor Bennington that there be total security on the proposed swimming pool. Ms. Lydia Alexa, the director of property management for Heritage Building Group, has been managing properties for 19 years. In dealings with the State and other municipalities, Ms. Alexa advised there are several different ways to secure a swimming pool. The most complex way is very much like a motion sensor system, which is actually infrared beams. The number of infrared beams would depend on the size and shape of the pool. The beams would stretch across the swimming pool top and deck, and would sense anything over 25 lbs. For a typical community rectangular swimming pool, four to six infrared beams would be used. To better support that, and to double and triple the security system, a sensor system would be created on the fencing itself. The State requirement for fencing is 4 ft. high. Ms. Alexa commented the fence can be up to 6 ft. in height, with a wire system on the fence itself, as well as a gate with its own separate security system. Chairperson Bennington asked when the security system would be activated. Ms. Alexa replied that the security system can be set for activation for whatever time is deemed appropriate. Chairperson Bennington asked if this particular type of security system is electronically controlled. Ms. Alexa replied that it is electronically controlled, with a battery back up. The system she spoke about would be very much like the monitored alarm system that an individual might have in their homes, and if the alarm is tripped, it would be sent to a central monitoring station. The

monitoring company would respond and the police would be dispatched to the scene. It is the alarm company's recommendation that infrared beams be placed at 75 ft. intervals. Chairperson Bennington asked if all the residents of the Orchard Hill development, including their guests, would be able to utilize the swimming pool. Ms. Alexa agreed that the residents of the development will certainly have access to the pool, however she has not been briefed as to how guest passes will be distributed. In other developments that she has managed, passes are issued to the community residents on a family basis. Passes would be issued to each family member, depending on their age – child, intermediate, and adult. Management would decide what age group requires an accompanying adult. With properties of this size, Ms. Alexa advised that ages 12 and under would require an accompanying adult. Some properties make that age requirement 15 and under, however that would depend on the developer's comfort level and the amount of lifeguards available. Typically, passes are issued and collected upon entrance to the swimming pool area. Ideally, guest passes are issued on a cost per day basis. The resident of the community must accompany their guest to the administrative office to have a guest pass issued for that particular day. Ms. Alexa believes that there will be one lifeguard for every 75 ft. of pool deck, although there is no State requirement for the amount of lifeguards required. Normally, there are two lifeguards assigned – one stationary guard on a post and one roving guard, especially on weekends and holidays. Normally, the pool will be open for use from Memorial Day to Labor Day. Chairperson Bennington asked if the pool would be drained in the off-season, and Ms. Alexa replied that it would. The pool would be winterized at the end of the season and acid washed in the beginning of the season. Usually, a skilled and certified pool management company is hired to maintain the pool. Even though the pool is drained after Labor Day, Chairperson Bennington asked if the security system will remain in place and Ms. Alexa replied that it would. There would also be a pool cover in place that is tighter than a trampoline to prevent access to the emptied swimming pool. Ms. Alexa advised that the likelihood of anyone dying in that swimming pool after hours, with all preventative measures put into place, would be slim, however there is always the unknown to contend with. The swimming pool Ms. Alexa most recently managed in Philadelphia had a 6 ft. fence with the arched posts and wire at the top. Chairperson Bennington asked what height fence will be proposed for the Orchard Hill development swimming pool. Ms. Curtin stated the fence height has not yet been determined, but it must be at least 4 ft. high to meet State and Township Ordinance requirements. Ms. Curtin wished to clarify that the swimming pool may not be totally drained in the off-season because concrete pools require chemicals for winterization. However, the developer intends to install a pool cover that hooks to metal brackets which is known to be very secure. Ms. Alexa believes that approximately 1 ft. of water must remain in the 3 ft. end of the pool, and approximately 2 ft. of water must remain in the 5 ft. end of the pool during the winter months to hold the chemicals.

Supervisor Bender asked if the property management company will actually be based on-site, and if so, will they also be monitoring swimming pool activity. Ms. Alexa explained that the typical property management company working in a clubhouse setting is geared towards leasing the housing units. That is why a skilled, trained pool management company is hired to control activities at the swimming pool and to insure that regulations, such as no diving, no alcoholic beverages, appropriate attire, etc. are adhered to. After the swim season, Supervisor Bender asked if the property management individuals will be on-site at the property. With a community of this size, Ms. Alexa advised that property management personnel will remain on-site year round, for leasing purposes and customer service. Supervisor Bender asked if the swimming pool will be lit and if evening swimming will be permitted. Ms. Alexa replied that the swimming pool will be lit with in-water lights and overhead lights for security purposes, but the swimming pool will not be open for use after 8:00PM in the evening. The lights, however, will remain on all night for security reasons. Solicitor Grabowski noted that the Zoning Ordinance does not necessarily reflect specific lighting requirements for swimming pools, however prior to final plan approval, the Township Engineer will provide a recommendation concerning the lighting so that it does not annoy neighboring property owners. Ms. Alexa advised the State guidelines for safety would dictate, to a point, how close a residence can be to the swimming pool and also the level of candlepower for both underwater and overhead lighting. To clarify a statement made earlier, Mr. Wynn noted the fence height requirement around a swimming pool for Hilltown Township is 6 ft. Chairperson Bennington stressed the point that he wants the swimming pool in the Orchard Hill development to be as safe and secure as possible.

In addition to the waiver that has been requested for curb and sidewalk, the applicant has also requested a waiver from the 50 ft. setback required from the ultimate right-of-way on Telegraph Road for the two proposed playfields in order to increase their size. This waiver was recommended for approval by the Planning Commission, provided that there be an evergreen buffer and fence installed between the playfields and the road, in a manner satisfactory to the Township. The Planning Commission also recommended submission of a revised Traffic Impact Study in compliance with Section 406 of the Subdivision Ordinance with the final plan. The proposed street intersection with Rt. 152 must be revised through Hilltown Township parcel #15-15-101 to align with the future access to the C.D. Moyer property on the opposite side of Rt. 152. Design details and alignment of the roadway is subject to approval by the Township. A portion of open space must be dedicated to the Township equal to the right-of-way area through TMP #15-15-101. A traffic signal must also be installed at the proposed intersection with Rt. 152, subject to PennDot approval, at the sole cost of the developer. Mr. Wynn commented that typically, this particular intersection will not warrant a traffic signal at the start of construction because there will not be enough volume to meet PennDot's warrants. Therefore, it is anticipated that the developer will include, as part of the Development Agreement, an escrow agreement for the final design and construction of

the traffic signal. Chairperson Bennington asked if the Orchard Hill Subdivision would be a phased project. Mr. Wynn believes the applicant agreed that the development would be phased and that would be determined at final plan approval. If that is the case, there is an Ordinance requirement that states that if a development is proposed to be phased, each phase must stand-alone. When the traffic signal is approved, Supervisor Bender asked if the Township could request that the light be equipped with pre-emption devices for the fire companies. Mr. Wynn replied that the Township has been making that requirement for all developments with traffic signals.

Correspondence had been received from residents who reside in the development adjacent to this project on Tice Lane, with a number of concerns and comments. One concern in particular that the developer has agreed to and the Planning Commission requested as a recommendation of preliminary plan approval is that the area between the proposed apartment buildings and TMP #15-11-59-1 and #15-11-57-1 shall include construction of a berm and increased landscape buffer plantings in a manner satisfactory to the Township. The fire company reviewed the plan and requested access from an existing 20 ft. lane behind the apartment portion of the development for emergency purposes. Further, the Planning Commission also recommended the developer give consideration to relocation of the apartment buildings from the northwest corner of the tract to the center of the site and relocation of the townhouse and/or multiplex units to the northeast corner in order to provide a transition between existing single family homes and apartment use. Chairperson Bennington agreed with the Planning Commission recommendation for relocation of the apartment buildings. Ms. Curtin advised that the applicant would not be agreeable to this request at this point.

The Planning Commission recommended a waiver from Section 504.E of the Subdivision Ordinance that requires all lots to front on a public street or proposed street to be offered for dedication. Court "C" is a proposed private parking area that provides access to the townhouse units, and will be owned and maintained by a homeowner's association. Since a majority of townhouse residents are two-car families, Supervisor Parks is concerned that only single-car garages are proposed for each unit. Discussion took place.

The Planning Commission recommended a waiver from requirements of Section 522 of the Subdivision Ordinance with respect to installation of concrete monuments. In-lieu-of installation of concrete monuments at each change in direction of property boundaries, the applicant proposes to install concrete monuments at the "ends" of townhouse units with iron pins placed at the intermediate property corners.

The final plan must be revised to clearly indicate compliance with requirements of open space. Small narrow strips of open space in the rear of various townhouse and multiplex units must be deleted from the calculation of required open space. A review by Mr.

Wynn's office indicated that the total proposed open space would exceed the required open space with the removal of these narrow strips.

Basin 2 is located within Open Space Area 5 and shall be removed from the plan and Basin 3 shall be enlarged to provide satisfactory stormwater management. Basin 2 must be removed from the plan due to its proposed encroachment within wetland areas. Mr. Wynn noted that all of the building's roof drains and the entire parking area is designed to deflect stormwater runoff and drain away from Tice Lane. Therefore, the amount of water that would be draining overland to Tice Lane is only from the grassy, buffer area to the rear of the property, and will be less than what flows there now.

The area of disturbance upon shorelines and proposed impervious coverage within the pond shoreline area exceeds the maximum allowable development/impervious coverage ratio specified in Section 504 of the Zoning Ordinance. The plan must be revised to comply with the pond shoreline impervious coverage in accordance with Section 504 of the Zoning Ordinance. Mr. Wynn noted this matter would be addressed with roadway relocation at the intersection of Rt. 152.

Open Space Area 6 containing 15.1 acres located on the east side of Telegraph Road is to be dedicated to the Township. The remainder of open space within the development is proposed to be owned and maintained by a homeowner's association. Homeowner's association is also proposed for maintenance of all private courts and parking areas. A homeowner's association charter and bylaws should be submitted to the Township Solicitor for review. Bylaws should include regulations restricting use of motorized vehicles within the common open space area as indicated on Note 28 on the plan and require enforcement of parking restrictions as requested by the fire company. Supervisor Parks asked if the developer would manage the homeowner's association until some point after the development is completely constructed and occupied. Ms. Curtin replied that only the townhouse units will be sold. The balance of the development will be owned and operated by Heritage Building Group. Supervisor Parks asked if Heritage anticipates sufficient reserve funds to do exterior maintenance, or if they believe that at some point, specials assessments might be required to repair roofs or complete exterior painting. Ms. Curtin replied that a budget is prepared when the homeowner documents are first established, with a reserve factored in immediately.

Discussion took place concerning the proposed speed limit within the development. Chairperson Bennington would like to have the speed limit signs, as well as "Watch Children" signs installed by the developer throughout the entire development. Mr. Wynn noted that regulatory signs are required to be installed by the developer.

There are several outside agency approvals necessary:

- The applicant should complete all items recommended by the Phase 1 Environmental Site Assessment for the Eckerd Farm property dated December 9, 1996, prepared by RT Environmental Services, Inc.
- Verification of approval for capacity and design of public water facilities should be received in writing from the Hilltown Township Water and Sewer Authority.
- Sewage Facilities Planning Modules must be approved by the Bucks County Department of Health, HTWSA, Hilltown Township, and PADEP. Additionally, verification of approval for design of proposed sewage collection facilities including sewage lift stations should be received in writing from HTWSA and PADEP.
- Verification of approval of proposed erosion and sedimentation control facilities and NPDES Permit for stormwater discharge should be received in writing from the Bucks Conservation District/PADEP.
- Verification of approval of PADEP general permits and/or joint permits for disturbance to wetlands and mitigation of same should be received in writing from PADEP.
- Verification of approval of proposed encroachments and grading into the existing utility right-of-way should be received in writing from PP&L.
- Verification/certification of wetland boundary as indicated on the plan to be received in writing from DelVal Soil & Environmental Consultants.
- Street names should be proposed and must receive approval from the Township and servicing postmaster.
- Outboundary property monumentation should be installed prior to plan recordation and be certified in writing by the responsible surveyor. Additionally, the plan must clarify type of monumentation at all lot corners and easements.
- Development/Financial Security Agreements should be executed between the developer and the Township to guarantee installation of required improvements.

Additionally, there are engineering and drafting details that must be revised in accordance with the engineer review dated April 4, 2000, and final plan requirements of Section 404 of the Subdivision Ordinance.

At the last meeting, there was discussion relative to improvements at the Telegraph Road and Rt. 113 intersection with respect to access or right turning movements by school buses. Mr. Wynn commented the pipe at the intersection may have to be replaced and the paving radii increased so that the school buses as they come out of Telegraph Road do not have to swing across the roadway. Ms. Curtin noted the applicant is willing to extend the pipe as long as the Township is able to acquire the necessary right-of-way.

Chairperson Bennington asked if the developer addressed the concerns and comments of the Silverdale Fire Company. Ms. Curtin met with representatives of the Silverdale Fire Company on two occasions, and she believes all the planning issues have been satisfied. The Fire Company did have some BOCA issues they were concerned about, however she cannot address those. Mr. Wynn noted that several building issues raised by the fire company would be addressed during the building permit process with the Code Enforcement Officer. Discussion took place.

The Park and Recreation Board's recommendation that the developer provide one set of lacrosse goals, one set of combination soccer and football goals, two sets of soccer goals, and six 14 ft. long portable aluminum players benches (two per field) was agreed to by Heritage Building Group.

Chairperson Bennington noted the developer had also indicated that they would provide a capital contribution that would include funds to be apportioned to the Silverdale Fire Company because of the increase of the number of units they would be serving. Ms. Curtin stated the dollar amount has not been confirmed at this point, however when final plans are submitted, she will provide that dollar amount. Chairperson Bennington commented that donation would be a condition of plan approval, and reminded Ms. Curtin that this development will bring an additional 331 dwellings that will be serviced by the Silverdale Fire Company, which is an extensive increase in their amount of service.

Supervisor Bender asked if there would be a resident property manager living on site. Ms. Alexa stated that there would not, however it is very common with a development of this size that the property maintenance supervisor resides on-site.

Public Comment concerning the proposed Orchard Hill Development:

1. Mr. John Gillespie, deputy chief of the Silverdale Fire Company, is concerned about the amount and type of pool chemicals that may be stored on-site; and

the possibility of a chemical spill or explosion. Ms. Alexa advised that dry chemicals are normally used. Discussion took place concerning the steps involved with emergency response and the security system that would be in place.

2. Mrs. Jean Bolger of Rt. 152 recalls a recent incident at a motel with a swimming pool where chlorine was stored inside an enclosed closet in the motel itself, and the fumes from the chlorine actually killed two motel guests. Ms. Alexa advised that pool chemicals would be stored in a separate area in its own pool equipment shed.

Mrs. Bolger asked if the developer has provided any demographics concerning the amount of rent that will be charged for the multi-plex units, as discussed at the last meeting. Ms. Alexa extracted this information from the Internet by targeting the area of the intersection of Rt. 152 and Rt. 113. It was determined that the average income in Hilltown Township is \$73,000.00 for a standard family, with the low end averaging at \$68,000.00, and the high end averaging at \$78,000.00. 34% of the population is between the ages of 30 and 49; the average work travel time is 22 minutes; the average population density is 442 per square mile; average age of a dwelling in this area is 24 years old; 81% of those homes are owner-occupied; the average house value is \$172,000.00; the average number of bedrooms is three; the average rental housing is 18%; and the average house value is \$172,000, with the average listing price \$204,000.00; and the highest crime is petty larsen. Ms. Alexa explained that when an applicant is qualified by Heritage to rent a townhouse or apartment unit, the industry standard for qualifications is that the resident should be able to make in one week what they would pay in one month. For example, if a person makes \$500.00, they should be able to rent a dwelling for \$500.00 per month. The average rental for two bedroom apartments in this area is \$757.00 per month. Discussion took place.

3. Mr. John Kachline of Mill Road is tired of Heritage Building Group complaining about paying money or providing donations for public services, when their proposal is costing the taxpayers of Hilltown Township. Mr. Kachline anticipates that the school district will be spending a minimum of \$20 million dollars for their school expansion to accommodate all these new residents.

Motion was made by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously to grant conditional preliminary plan approval to the Orchard Hill Subdivision, subject to satisfactory completion of all outstanding items as discussed this evening and in the June 21, 2000 engineering review/memo from C. Robert Wynn Associates. There was no public comment.

*9:50PM - Chairperson Bennington called for a five-minute recess. The regularly scheduled meeting of July 24, 2000 was reconvened at 9:55PM.

Ms. Zlati Meyer with the Philadelphia Inquirer, who has recently expanded their coverage area to include the Upper Bucks area, was present to introduce herself and encourage residents and Township officials to contact her with story ideas, for future publication.

2. Eckert Subdivision (Preliminary/Final) – This 20-acre site is located at the southwest corner of Rickert Road/Rt. 152 and is proposed for a two-lot subdivision. The Planning Commission unanimously recommended preliminary/final approval of the plan conditional upon the following:

- Plan must evidence compliance with stormwater management requirements of the Subdivision Ordinance and include construction of a slow attenuation swale parallel to Rickert Road south of the existing tree row, extension of storm sewer at the intersection of Rickert Road and Rt. 152 approximately 180 ft. along Rickert Road, and improvement of the existing three feet wide earthen shoulder by installation of crushed stone along the site frontage on Rickert Road.
- The ultimate right-of-way area of Rt. 152 and Rickert Road is offered for dedication by Note #3 on the plan and should be accepted in accordance with Section 506.2.A of the Subdivision Ordinance.
- Driveway entrance for Lot #1 should be designed and detailed on the plan as required by Section 511 of the Subdivision Ordinance.
- Verification of approval of proposed erosion and sedimentation control measures to be implemented during earthmoving activity should be received in writing from the Bucks Conservation District.
- Planning modules for on-lot sewage disposal must receive approval from the Bucks County Department of Health, Hilltown Township, and PADEP.
- Property monuments as shown on the plan should be installed prior to plan recordation and be certified in writing by the responsible surveyor.
- In accordance with Section 805 of the Subdivision Ordinance, a fee in-lieu-of recreational land dedication of \$1,500.00 per dwelling unit should be paid by the applicant.

Motion was made by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously to grant preliminary/final plan approval to the Eckert Subdivision, pending completion of all outstanding items as noted above. There was no public comment.

3. CVS Land Development (Preliminary) – The CVS Pharmacy Land Development is located at the northeast corner of Rt. 113 and County Line Road on the property that was previously proposed for an Eckerd Drug Store. The plan is almost identical to the Eckerd Drug plan and includes shared access with the proposed adjacent Harleysville National Bank. Since the CVS Pharmacy is slightly smaller than the proposed Eckerd Drug (10,880 square feet versus 12,739 square feet), the extent of requested waivers has been slightly reduced.

Mr. John Snyder, the applicant's legal counsel, and Mr. Rob Irons, the applicant's engineer, were in attendance to present the plan. Similar to the Eckerd Drug plan, the Planning Commission expressed their concern that there were too many variances/waivers and too much development proposed for the size of the lot. The Planning Commission unanimously recommended denial of the plan due to non-compliance with three Land Development Ordinance requirements for which waivers were requested by the applicant and recommended to be denied by the Planning Commission as follows:

- Waiver from Section 515.2.B to allow less than the minimum required 10% of any parking lot facility of over 2,000 sq. feet in gross area to be devoted to landscaping. The current plan provides approximately 6.46% of the parking lot facility to landscape area (prior Eckerd Drug plan devoted approximately 5%). At the Planning Commission meeting, the applicant indicated that they would donate the additional landscaping to the Township for installation on open space areas.
- Waiver from Section 523.7.A to allow parking space size to be 9 ft. rather than the minimum required 9 ½ feet. The applicant advised that they could reduce the number of spaces (increased by the current plan over the minimum requirement imposed by the Zoning Hearing Board) to increase the parking stall width and comply with this requirement. However, they felt an increase in the number of spaces would be preferred to the slightly increased stall width.
- Waiver from Section 516.7.B(3) to allow use of a pipe material other than reinforced concrete. The plan proposes use of corrugated high density polyethylene pipe for the subsurface portion of the storm-water management facility. The applicant advised in the event the Board of Supervisors also denied this waiver request, the under-

ground stormwater facility will be revised to concrete pipe.

Mr. Wynn asked the Planning Commission, when they recommended denial of this plan based upon non-acceptance of the three waiver requests, if they had any other objections to the plan if the Board of Supervisors approved the waiver requests. The Planning Commission stated that they did not like the plan because there was too much development for the size of the lot; that there were too many waivers requested; and that there were too many variances granted by the Zoning Hearing Board, but they would not recommend denial of the plan for other Ordinance requirements.

The Planning Commission also recommended granting the following waivers:

- Waiver from Section 516.5.H(6)c to allow interior basin slopes to be a ratio of 3:1 horizontal to vertical rather than the maximum allowable of 4:1 horizontal to vertical. The proposed detention basin is relatively shallow and will be maintained by CVS.
- Waiver from Section 523.6.B(3) to allow driveway width to be 46 ft. along County Line Road and 42 ft. along Rt. 113 rather than the maximum allowable of 35 feet at the street line and to be 69 ft. along County Line Road and 86 ft. along Rt. 113 at the curb line rather than the maximum allowable of 54 feet at the curb line. The increase in the proposed driveway widths are a result of providing separate left-turn and right-turn egress lanes on County Line Road, which will help alleviate any potential on-site queuing, allow for better truck circulation on site, and allow for more efficient egress.
- Waiver from Section 523.7.D to allow 7.5 ft. of open space rather than the minimum required 20 ft. of open space between the outside wall of a non-residential building and a parking space. This particular requirement is more applicable to larger buildings due to concerns regarding access for fire fighting, provision of landscaping, etc., and is not typical for buildings of this proposed size and use.
- Waiver from Section 516.6.H(8) regarding provision of an access ramp of 10:1, ten (10) ft. wide to allow maintenance equipment to reach the basin floor. The basin is relatively shallow and the above ground portion rather small, therefore, a ramp has not been provided.
- Waiver from Section 517.2 which requires that edge of slopes be minimum of five (5) ft. from property lines. In understanding that

this provision is partially intended to keep all construction equipment on the property, a VISI perimeter fence has been proposed along the property lines to contain construction vehicles within the property lines of the site.

- Waiver from Section 523.3.H to allow the Light Duty Asphalt Pavement Section to specify four (4) inches of crushed aggregate base rather than the eight (8) inches of 3A modified stone sub base required. Based on the asphalt pavement design criteria calculated by Earth Engineering, Inc., dated July 6, 1999, the proposed pavement sections are acceptable for this proposed development.

Motion was made by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously to grant preliminary plan approval to the CVS Land Development, pending completion of all outstanding items as noted above. There was no public comment.

4. Eckerd Drug Land Development (Preliminary) – As Eckerd Drug is no longer equitable owner and is not continuing to seek approval of their plan (now the CVS site), Mr. Wynn recommends denial of the Eckerd Drug Land Development Plan due to non-compliance with Zoning Ordinance and Subdivision regulations as noted in the latest engineering review dated December 13, 1999.

Mr. John Snyder advised that his client is now the owner of this property, and since Eckerd Drug no longer has an equitable interest in the site, he would rather withdraw the application so that the Supervisors do not have to vote to deny the plan. Mr. Snyder presented a written withdrawal of the Eckerd Drug Land Development.

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

1. Country Roads Subdivision – Expiration of the maintenance period for this subdivision is August 18, 2000. The latest punchlist prepared by Mr. Wynn is dated July 6, 2000. Rick Weiss of Mignatti Ventures, Inc. requested a site meeting on July 21, 2000 to review the outstanding items. Mr. Wynn reported on the status of completion of the maintenance period.

Mr. Wynn advised that the July 7, 2000 engineering correspondence to Mignatti Ventures, Inc. contains 25 outstanding items yet to be completed. Mr. Wynn received a message from Mr. Rick Weiss of Mignatti Ventures, Inc. requesting that the Township not find Country Roads Subdivision in default and that the developer planned to address the punchlist items to the Township's satisfaction. However, Mr. Wynn has not received written verification from the applicant indicating that they requested an extension, or indicating that there will be an extension to the Letter of Credit. Currently, the Letter of

Credit guaranteeing the maintenance period is scheduled to expire on August 31, 2000. Mr. Wynn recommended that the Supervisors, in the event that the Letter of Credit is not extended, authorize the Township Solicitor to notify the bank that the maintenance period has not been successfully completed and seek required funds. Mr. Wynn anticipates that the developer will offer an extension, and therefore, he recommended that a 60-day extension be permitted for completion of the outstanding items, since many of them are landscape related.

Motion was made by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously to permit an extension of the time frame for completion of punchlist items for the Country Roads development until October 23, 2000, conditional upon verification of an extension in the First Union Letter of Credit to, at a minimum, October 31, 2000; and in the event Mignatti Ventures, Inc. does not agree to an extension in the maintenance period, or written verification of the Letter of Credit extension to October 31, 2000 is not received, to authorize the Township Solicitor to take necessary legal action to secure funds to guarantee completion of outstanding items by the Township. There was no public comment.

2. Bricks Villa (Hilltown Woods) Subdivision – The deadline for the maintenance period is August 22, 2000. At this time, some items have not yet been completed. Mr. Wynn provided an update of the status of this maintenance period. The developer indicated that they will be extending their bond. Mr. Wynn recommends that the developer be found in default if a bond extension is not received.

Motion was made by Supervisor Parks, seconded by Supervisor, and carried unanimously to extend the maintenance period for the Hilltown Woods Subdivision, until October 23, 2000, conditional upon the developer's agreement to the extension of the maintenance period and verification of extension in the bond guaranteeing the maintenance period to, at a minimum, October 31, 2000; and in the event the applicant's acknowledgement of extension of the maintenance period and verification of adequate security until October 31, 2000 is not received by August 14, 2000, authorize the Township Solicitor to take necessary legal action to secure the maintenance bond funds so that the Township may complete any remaining items in the Hilltown Woods Subdivision. There was no public comment.

J. MYLARS FOR SIGNATURE: None.

K. PUBLIC COMMENT:

1. Mrs. Jean Bolger of Rt. 152 mentioned that a sign has been installed by PennDot on Rt. 152 in the wrong place, advising of the Silverdale borough limits. Mr.

Lippincott is aware of the incorrect posting of the sign, and Mr. Buzby will contact Pcnndot to notify them of this mistake.

2. Mr. John Gerner of Perkasio wondered where the Heritage Building Group obtained demographic information for Hilltown Township from the Internet. Supervisor Parks suggested that perhaps Ms. Alexa obtained this information from the Bucks County Board of Realtors.

L. SUPERVISOR'S COMMENTS: None.

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

N. ADJOURNMENT: Upon motion by Supervisor Parks, seconded by Supervisor Bender, and carried unanimously, the July 24, 2000 Board of Supervisor's meeting was adjourned at 10:42PM.

Respectfully submitted,


Lynda Seimes

Township Secretary

(*These minutes were transcribed from notes and tape recordings taken by Mrs. Lorraine Leslie, Township Treasurer).