

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, June 26, 2000
7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairperson Kenneth B. Bennington at 7:32PM and opened with the Pledge of Allegiance.

Also present were: John S. Bender, Vice-Chairperson
Gregory J. Lippincott, Township Manager
Francis X. Grabowski, Township Solicitor
C. Robert Wynn, Township Engineer
Lynda S. Seimes, Township Secretary

Chairperson Bennington announced that Supervisor Parks was out of town on business and would not be present this evening. He also announced that the Supervisors met in Executive Session on the following dates: after the June 12, 2000 worksession meeting in order to discuss real estate and legal matters; prior to this meeting in order to discuss personnel; and following this meeting in order to discuss real estate and legal matters.

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

B. COMMENDATION PRESENTATION: The Supervisors presented Commendations to Mr. James Coyne and Mr. H. Franklin Rice, recognizing their many years of service on the Hilltown Township Planning Commission, copies of which are attached to these minutes.

Chairperson Bennington read his personal response to a recent column in the Morning Call Newspaper by Mr. Paul Carpenter, which made reference to Hilltown Township's Cell Phone Ordinance. A copy of Chairperson Bennington's response to Mr. Carpenter is attached to these minutes.

C. APPROVAL OF MINUTES – Action on the minutes of the May 22, 2000 Supervisors Meeting – Motion was made by Supervisor Bender, seconded by Chairperson Bennington, and carried unanimously to approve the minutes of the May 22, 2000 Supervisors Meeting, as written. There was no public comment.

Action on the minutes of the June 12, 2000 Worksession Meeting – Chairperson Bennington wished to make a clarification on page 2, last paragraph, third line from the bottom of the page, noting that he did not make reference to the "water operator," he merely said that whoever responded to the resident in Pleasant Meadows was not particularly kind in their response, and Chairperson Bennington was not appreciative of it.

2. There are eight escrow releases for the Board's consideration this evening, three of which are cash held by the Township:

Country Roads (All Phases)	Voucher #6A	\$ 6,543.17
Country Roads (All Phases)	Voucher #7A	\$ 669.42
Estates at Tall Oaks Subdivision	Voucher #2A	\$ 28.80
Estates at Tall Oaks Subdivision	Voucher #3A	\$ 15.00
Jager Subdivision	Voucher #06	\$ 223.54
Jager Subdivision	Voucher #07	\$ 10,873.84
Longleaf Estates Phase 1 Subdiv.	Voucher #42	\$ 116,794.35
Schade Tract	Voucher #17A	\$ 931.50

Motion was made by Supervisor Bender, seconded by Chairperson Bennington, and carried unanimously to approve the release of the eight escrows as noted above. There was no public comment.

3. The Comprehensive Plan Task Force survey is currently at the printers, along with the first set of envelopes. The Township applied for the Business Reply Mail Permit with the Postal Service and it is expected that the mailers will be sent out within 2-4 weeks along with a press release.

4. Mrs. Leslie will be preparing Budget worksheets on July 5, 2000 and forwarding them to all Department Heads.

5. One June 22, 2000, Mr. Lippincott attended the DEP meeting at Bedminster Township. It was discovered that four more wells were found to contain the contaminant. The source has not yet been located. Information is available here at the Administrative office between the hours of 8:00AM and 4:30PM for residents with concerns regarding this subject.

Chairperson Bennington asked how many Hilltown residents have been affected. Mr. Lippincott believes there are three Hilltown property owners affected. These residents are being provided with bottled water and water filters for use in their homes. Supervisor Bender asked if traces of the contaminant have been discovered on a property south on Rt. 113. Mr. Lippincott replied that one property was found to contain contaminants, south on Rt. 113. All the information Supervisor Bender has read about contaminant situations such as that previously experienced in Dublin Borough, points to underground contaminants typically moving in a northwesterly direction. Supervisor Bender understands that residents north on Rt. 113 in Bedminster Township have also been affected. Mr. Lippincott confirmed that, but noted that the contamination is mainly moving north on Rt. 313.

to be placed on that street. A copy of Mrs. Kimmel's letter is enclosed in the Supervisor's packets for review.

Chairperson Bennington asked for clarification of the policy concerning signage. Mr. Lippincott explained that the sign would be installed by the Public Works Department, but the resident or residents requesting the signage would pay for the sign itself. In this instance, Mrs. Kimmel is requesting a waiver of the sign fee, however such a request has never been granted in the past.

3. Correspondence has been received from the Perkiomen Watershed Conservancy with regard to its Creek Awareness Signs Program and Municipal Resolution Program. At the Board's direction, the proposed Resolution can be available for consideration at the July 10th worksession meeting.

Motion was made by Supervisor Bender, seconded by Chairperson Bennington, and carried unanimously to authorize the preparation of the proposed Resolution from the Perkiomen Watershed Conservancy with regard to its Creek Awareness Signs Program for consideration by the Board at their July 10, 2000 worksession meeting.

4. Correspondence and a petition has been received from the Quiet Acres Residents Association, stating their opposition to the proposed wastewater facility treatment plant to be constructed by the Hilltown Authority at their location on Highland Road.

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

1. Solicitor Grabowski presented proposed Resolution #2000-16, acceptance of Declaration of Easement of Bethlehem Pike for the Weaver/Reckner Land Development, for the Board's consideration.

Motion was made by Supervisor Bender, seconded by Chairperson Bennington, and carried unanimously to **adopt Resolution #2000-16, acceptance of Declaration of Easement of Bethlehem Pike for the Weaver/Reckner Land Development.** There was no public comment.

2. Solicitor Grabowski presented proposed Resolution #2000-17, acceptance of Declaration of Easement of Fairhill Road for the Reckner Subdivision, for the Board's consideration.

Motion was made by Supervisor Bender, seconded by Chairperson Bennington, and carried unanimously to **adopt Resolution #2000-17, acceptance of Declaration of**

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

1. Mack Land Development Waiver – The Planning Commission unanimously recommended waiver of land development submission for a proposed 60' X 36' barn and 20' X 24' "run-in" shed to be constructed at 921 Rickert Road on a 12.3 acre site.

Motion was made by Supervisor Bender, seconded by Chairperson Bennington, and carried unanimously to grant a waiver of land development submission to the Mack Land Development. There was no public comment.

2. Mager Subdivision – This lot line adjustment subdivision is located on Callowhill Road and proposes to adjust the lot line between two parcels by approximately five feet due to an existing detached outbuilding that is constructed across the property line. The Planning Commission unanimously recommended approval of the lot line adjustment plan conditional upon the following:

- The ultimate right-of-way of Callowhill Road along the frontage of TMP #15-28-164-3 is offered for dedication to the Township as an easement and should be accepted pursuant to Section 506.2.A of the Subdivision Ordinance.
- Property monuments as shown on the plan should be installed prior to plan recordation and be certified in writing by the responsible surveyor.

Motion was made by Supervisor Bender, seconded by Chairperson Bennington, and carried unanimously to approve the Mager Subdivision, pending completion of the outstanding items as noted above. There was no public comment.

3. Orchard Hill Subdivision – By unanimous vote, the Planning Commission recommended conditional preliminary plan approval for this proposed 331-unit performance standard subdivision, subject to completion of a number of conditions.

Ms. Beverly Curtin of Heritage Building Group, along with Mr. Bob Irick, the applicant's engineer, were in attendance to present the plan. Ms. Curtin provided artist renderings of the townhouse units as proposed. Ms. Curtin advised the parcel consists of 84.23 acres located on Walnut Street and Telegraph Road. It is made up of five parcels, owned by four separate property owners. The site has approximately 650 ft. of frontage along Walnut Street, and approximately 1,250 ft. of frontage along Telegraph Road. The property contains one existing dwelling, which will be subdivided off; a second dwelling located in the middle of the tract that will be renovated as a multi-plex unit; and a third existing dwelling located near the proposed clubhouse and recreational facilities, which

Construction of recreational facilities, including three soccer fields and a paved parking area must be resolved in a manner satisfactory to the Township and the Park and Recreation Board. As proposed, the preliminary plan includes the following: seven tot lots, three tennis courts, one swimming pool, three playfields, and a 10-ft. wide lighted pedestrian path with public access. With regard to the playfields, Ms. Curtin noted that Playfield "A" is what is considered a full-size regulation soccer field, at 195 ft. by 330 ft. Two other fields, though a bit smaller, can be provided as well. The applicant proposes construction of a 66-stall paved parking area on the proposed Township open space property between the proposed soccer fields. The Planning Commission recommends that the paved parking area be increased to the extent possible considering environmental features and soccer field dimensional requirements and recommends a waiver of street improvements (cartway widening, curb and sidewalk) along the eastern side of Telegraph Road as requested by the applicant. Further, the Planning Commission recommends waiver of the soccer field setback requirement along Telegraph Road to permit an increase in the length of the proposed soccer fields. 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. Supervisor Bender asked if consideration has been given to the construction of a swale around the playfields so that water from the roadway would not flood the fields. Mr. Wynn replied that a swale has been designed around the upper part of the fields, and the only water that will actually be drained is the water sheet flowing off the road. Supervisor Bender asked if public water would be available for water fountains and maintenance of the playfields. Mr. Wynn stated that public water runs through the proposed development out to Telegraph Road.

A revised Traffic Impact Study must be submitted in compliance with Section 406 of the Subdivision. The original traffic study must be revised to address traffic on Telegraph Road, to address the comments of the Township's traffic consultant, and also to reflect the change in the intersection location and design on Rt. 152. The original traffic study did review the Rt. 113/Telegraph Road intersection and would not, by Township Ordinance, require any traffic signal, nor would it warrant a signal. There are other geometric problems with that intersection, however, including turning radii, etc. Ms. Curtin did not agree to commit to any improvements at that intersection at this time, however the applicant's engineer will review it for consideration. Chairperson Bennington asked if the original traffic study took into consideration a potential for 66 dwellings on the C.D. Moyer property, as well as the proposed Papiernik Tract Subdivision on Hillcrest Road, or if it focused just solely on the proposed Orchard Hill Subdivision. Mr. Wynn thinks the original study had considered a number of these developments, however he believes it missed one, possibly Hilltown Chase, which was one of the reasons the Township's traffic consultant requested submission of a revised study.

information concerning this issue. Ms. Curtin advised safety and security is also a concern of the developer.

The Orchard Hill Subdivision was tabled upon receipt of the 30-day written extension provided by the developer.

4. A & T Subaru – The Planning Commission unanimously recommended final plan approval for the A & T Subaru Land Development located at the intersection of Bethlehem Pike and Pheasant Hill Road, subject to the following conditions:

- Verification of approval must be received from PennDot for the proposed driveway entrance and improvements within Bethlehem Pike right-of-way.
- Verification of approval must be received from the Hilltown Township Water and Sewer Authority for proposed sanitary sewer design, connection, and payment of all applicable fees.
- Area within the ultimate right-of-way of Bethlehem Pike and Pheasant Hill Road must be dedicated to the Township as an easement in accordance with Section 506.2.A of the Land Development Ordinance.
- Verification of approval must be received from the Bucks Conservation District for proposed erosion and sedimentation control measures.
- Outboundary property monumentation must be installed prior to plan recordation and must be certified in writing by the responsible surveyor.
- Development/Financial Security Agreements must be executed between the applicant and the Township to guarantee installation of required improvements.

Motion was made by Supervisor Bender, seconded by Chairperson Bennington, and carried unanimously to grant final plan approval to the A & T Subaru Land Development, pending completion of all the outstanding items as noted above. There was no public comment.

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

1. Hilltown Hunt Subdivision – This subdivision located on West Creamery Road across from the Township Building has finally completed all required improvements and is ready to be accepted for dedication and commencement of the 18-month maintenance period. Correspondence has been received from the Hilltown

completed. Mr. Wynn recommends acceptance of the required improvements, which consist of storm drainage, road swale, and buffer plantings.

Motion was made by Supervisor Bender, seconded by Chairperson Bennington, and carried unanimously to accept the requirement improvements consisting of storm drainage, roadway swale, and buffer plantings for the Jager Subdivision. There was no public comment.

5. Act 537 Wastewater Facility Plan -- Mr. Wynn provided a status report on the Act 537 Plan and review by P.A.D.E.P. Correspondence was received from DEP in May with a number of questions and comments regarding the Township's Act 537 Plan. Mr. Wynn gathered information from the Hilltown Authority with respect to the portion of the plan that dealt with the Authority, and has responded to DEP. No further correspondence has been received from DEP to date. Discussion took place.

Chairperson Bennington asked if the proposed Hilltown Chase package treatment plant was included in the Act 537 Plan as submitted. Mr. Wynn replied the Act 537 Plan did not include public sewer to the Hilltown Chase site. The only reference made to the Hilltown Chase site by DEP was whether or not Hilltown Township provided a written response to Pennridge Wastewater Treatment Authority and the developer. Mr. Wynn responded to DEP that the Township had not provided a written response, and explained that draft responses were prepared and read at the Public Hearing, where a representative of the developer was present. To Mr. Wynn's knowledge, no representatives from P.W.T.A. or Perkasio Borough were present at that Public Hearing, and noted that there is no requirement of the Township to do anything more. Mr. Wynn stated that there was no indication in DEP's response statement for a need to extend public sewer to the Hilltown Chase site.

K. MYLARS FOR SIGNATURE: None.

L. PUBLIC COMMENT:

1. Mrs. Jean Bolger of Rt. 152 wondered if the Heritage Building Group had conducted a demographic study to warrant the type of development they are proposing in Hilltown Township and the very expensive rental fees that will be charged. Chairperson Bennington suggested that the developer consider Mrs. Bolger's question and respond at the July 24th Supervisor's meeting.

2. After attending many Planning Commission meetings, Mr. Joe Wilson of 319 Thistle Lane has observed that the Heritage Building Group does not seem to have any respect for the Township Planning Commission. Further, he does not believe there is enough parking proposed for the recreational fields in the Orchard Hill Subdivision. Mr.



**COMMENDATION
HILLTOWN TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA**

The Township of Hilltown, Bucks County, Pennsylvania, does hereby recognize H. Franklin Rice for his five years of service on the Hilltown Township Planning Commission.

WHEREAS, Mr. Rice has devoted much time and significant effort in the true spirit of volunteerism to his community; and

WHEREAS, Mr. Rice has exhibited responsibility, perseverance, and professionalism as a member of the Hilltown Township Planning Commission; and

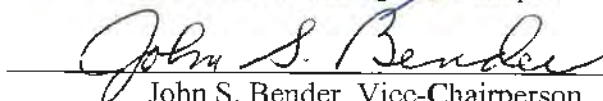
WHEREAS, recognition is hereby given to Mr. Rice for his tireless efforts, his exemplary and meritorious service, and his insight and vision with regard to the future development of Hilltown Township;

The Board of Supervisors of Hilltown Township, on this 26th day of June, 2000, do hereby commend and express appreciation to Mr. Rice for his commitment, and dedication to insuring that Hilltown Township remains a community to be proud of.

HILLTOWN TOWNSHIP BOARD OF SUPERVISORS



Kenneth B. Bennington, Chairperson



John S. Bender, Vice-Chairperson



E. Diane Parks, Supervisor



**COMMENDATION
HILLTOWN TOWNSHIP
BUCKS COUNTY, PENNSYLVANIA**

The Township of Hilltown, Bucks County, Pennsylvania, does hereby recognize James J. Coyne, Jr. for his many years of service on the Hilltown Township Planning Commission.

WHEREAS, Mr. Coyne has devoted 8 years and significant effort in the true spirit of volunteerism to his community; and

WHEREAS, Mr. Coyne has exhibited responsibility, perseverance, and professionalism as a member of the Hilltown Township Planning Commission; and

WHEREAS, recognition is hereby given to Mr. Coyne for his tireless efforts, his exemplary and meritorious service, and his insight and vision with regard to the future development of Hilltown Township;

The Board of Supervisors of Hilltown Township, on this 26th day of June, 2000, do hereby commend and express appreciation to Mr. Coyne for his commitment, and dedication to insuring that Hilltown Township remains a community to be proud of.

HILLTOWN TOWNSHIP BOARD OF SUPERVISORS



Kenneth B. Bennington, Chairperson



John S. Bender, Vice-Chairperson



E. Diane Parks, Supervisor

Bennington (Hilltown Township) Takes Exception to Paul Carpenter

Dear Morning Call,

As I read Paul Carpenter's article in the Morning Call on June 20th regarding cell phone usage several times, I found myself becoming increasingly more incensed at his "tongue-in-cheek" attempt at humor at the expense of a two year old girl (Morgan Lee Pena). Morgan Lee Pena was killed last year in Hilltown Township by a driver who has admitted that he was dialing his cell phone while driving, thereby running a stop sign, and subsequently plowing into the vehicle operated by Morgan Lee's mother. As I'm sure the Morning Call is aware, a municipality (ie: the ruling Board of Supervisors) is empowered by the Municipalities Planning Code (MPC) to protect the health, safety, and welfare of its' residents. This protection also covers "transient residents," like Mr. Carpenter who occasionally drive through our township. Since Pennsylvania is unwilling to act at this time, the Hilltown Township Board of Supervisors felt obliged to act so that someone else's child wasn't maimed or killed by a driver who had no concern for anyone but himself. The best way to protect our residents was to ban the use of cell phones while driving for ALL NON-EMERGENCY vehicles.

Unlike the ban on blue boat trailers in Nockamixon, singing in Weisenberg, or bicycle placement in Stroud, our ordinance is not a primary "JOKE" offense, but a concurrent offense designed to protect those of us who also have the right to drive SAFELY on the same roads with drivers using cell phones. Hilltown police officers are NOT lurking in the bushes waiting for the next driver to pass using a cell phone so that they can pounce, and "fatten" our township coffers with the \$75 fine. Our police officers are ONLY stopping drivers who have committed dangerous primary traffic violations, ie: erratic driving, tailgating, not stopping at a stop sign, etc.. This is the reason Mr. Dan Young was cited. The Hilltown Township police officer stopped Mr. Young for allegedly speeding and driving erratically, and was then subsequently cited for driving while talking on a cell phone. I find it amazing that Mr. Carpenter claims that no one outside of Hilltown Township would be aware of this ordinance, even though it was extolled on every TV station for 50 miles, including national coverage on the Oprah Winfrey Show, appeared in most newspapers within 50 miles, and was heard on numerous radio stations. I assume the story was broadcast in the Lehigh Valley, since EVEN Mr. Carpenter knew about the ordinance. He used the ordinance to base his sarcastic witticisms regarding Hilltown's ordinance. I would suspect that a few people without running water and electricity might not have known about this ordinance, but a goodly majority of area residents did.

Judge David Heckler did not throw out this case at first glance, because unlike Mr. Carpenter, Judge Heckler is a fair man. Judge Heckler was previously an excellent legislator, who carried these traits to his judgeship. He knows that this is an important piece of legislation with far-reaching ramifications. I have every confidence that Judge Heckler will thoroughly review all aspects of this case before passing final judgement. I applaud Judge Heckler for his stand and trust that his decision will be fair.

I find it particularly galling that Mr. Carpenter hasn't the faintest idea why this ordinance was enacted. If he did, he wouldn't have mentioned Morgan Lee Pena (THOUGH NOT EVEN BY NAME) in a four-line paragraph buried deep in the column. Hilltown Township passed this ordinance for NO other reason than to protect other children (and everyone else) from drivers talking or dialing a cell phone while driving (BUT only in conjunction with a primary traffic violation), with no regard for the safety of other motorists or pedestrians.

To re-emphasize a point not mentioned by Mr. Carpenter, Hilltown Township did not ban the use of cell phones in totality. We are simply saying, when you want to dial a cell phone or talk on a cell phone while operating a motor vehicle, pull over to the side of the road; or talk on a cell phone with a hands-free mechanism. AND, we have not banned the use of cell phones by emergency personnel while operating a vehicle.

If nothing else, we have learned from this article that the Morning Call has an expert in-house for Section 3314 of Title 75. THAT IS TRULY A COMFORTING THOUGHT! I pray that Mr. Carpenter doesn't have a personal encounter with a driver while using a cell phone. I wonder what his reaction would be then?

Kcn Bennington
Hilltown Township
Chrnm. Board of Supervisors
