

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS**  
**REGULARLY SCHEDULED MEETING**  
**Monday, November 22, 1999**  
**7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr. at 7:35PM and opened with the Pledge of Allegiance.

Also present were: Kenneth B. Bennington, Vice-Chairman  
John S. Bender, Supervisor  
Bruce G. Horrocks, Township Manager  
Francis X. Grabowski, Township Solicitor  
C. Robert Wynn, Township Engineer  
Kerry L. Trauger, Police Chief  
Lynda Seimes, Township Secretary

Chairman Bennett announced the Board met in Executive Session with the Township Engineer and Township Solicitor prior to this meeting in order to discuss legal, personnel, and real estate matters.

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY:

1. Mrs. Betty Snyder of Mill Road wished to take this opportunity to issue an apology to Mr. Gundlach and Mr. DiPasquale of the Elliot Building Group, for her ill-considered choice of adjectives in a Public Comment period during the October Supervisor's meeting. Although Mrs. Snyder believes her comments were directed only to the matter of tactics used, and not to the personalities involved, if Mr. Gundlach, Mr. DiPasquale, and the Elliot Building Group feel damaged, then she can only hereby apologize and ask for their indulgence.

2. Ms. Sandra Seifert of Beverly Road attended the last Planning Commission meeting, where Mr. Gundlach of the Elliot Building Group mentioned that the people who will be purchasing lots in the Hilltown Chase development will be Hilltown residents. While Ms. Seifert agrees that the statement is correct, she noted that there are those who are currently Hilltown residents who have been victims of a mistake. Ms. Seifert is present this evening to ask the Supervisors to consider that a mistake has been made which will directly affect the existing residents of this Township, and she would hope that the Supervisors will take that into consideration when voting on the Hilltown Chase plan by maintaining the cul-de-sac of Beverly Road.

3. Mr. Bob Grasmeder of Beverly Road noted that at the last Planning Commission meeting, residents were told that the reason Beverly Road must be extended is because the Township traffic engineer, an expert in his field, had supported the extension of that cul-de-sac street. However, Mr. Grasmeder noted that so-called experts

assisted the Township when revising an Ordinance approximately one year ago, which turned into a disaster. Mr. Grasmeyer asked the Board to look at this plan objectively, and to think about the effect this development will have on the residents of Audrey Lane and Beverly Road, and to consider the safety of the children in this neighborhood.

4. Ms. Janice Stemler of Beverly Road commented that had it not been for the adoption of Ordinance #98-13, she and her neighbors would not be as upset about the proposed extension of Beverly Road. The site of the Hilltown Chase development is zoned Rural Residential, and the Beverly Road area is zoned CR-II. Most of the residents of Beverly Road realized that it was a temporary cul-de-sac and that it could possibly be extended in the future, however Ms. Stemler advised that since the Hilltown Chase site is RR, the existing residents were not imagining as many houses as have been proposed. Mrs. Stemler does not feel it is fair for the residents of Beverly Road to have to deal with the increase of traffic caused by a development that was submitted under an Ordinance that was a mistake. Mrs. Stemler urged the Board of Supervisors not to allow the extension of Beverly Road.

5. Mr. Ed Scigfried of Telegraph Road understands the concerns of the residents of Beverly Road, however he reminded the Board that most of the residents of Telegraph Road have lived there for over thirty years, and he does not feel that they should be saddled with all of the traffic from the proposed Hilltown Chase Subdivision.

6. Ms. Marilyn Teed of Mill Road read a prepared statement directed towards the developer of the proposed Hilltown Chase Subdivision, which follows: "When you build developments, you aren't building homes, you are building an empty community devoid of people. There will be no natural time for organizing a working community structure, and the people won't be coming together with a common purpose, as those in a natural community. The sense of community must be in some way instilled within the people or they will end up like the boomtowns in the old west. The houses may not be empty in the end, but the people will not function like neighbors. The Township will be saddled with the problem of 49 unneighborly households. If you are going to build a boomtown, then you must help the people become a community. A community should be self-sufficient. The Township residents have concerns with water, sewer, and school facilities. We have our own wells and septic systems, but you want to build more homes than the Board of Health will allow. Your battle should be with them, but we will allow you to build under certain conditions. Any judge would certainly think it reasonable, especially when plopping a community in the middle of farmland, for you to provide your community with its own sewage treatment plant and the recycled water will be stored in your own community's water tower. Any additional water must be purchased from the Township. The schools are another concern. We can't possibly expect you to build your own school, but there will be a bedroom fee imposed on

dwellings with more than one bedroom to be donated to help build classrooms. Community dictates that everyone must be responsible, accountable, and not a burden to anyone else. The road must then be a circle and not tie into any other development. Now the people part of the community must be addressed. "Elliotville" must be an association, complete with a meeting hall on site, Elliot trained residents to run it, open space with a playing field, and space for recycling their own sewage into compost. Elliotville will care for its own leaf removal, snow plowing, and road maintenance, all paid for with their own self-imposed association fees that you will help them plan, Mr. Elliot. Your community will not be a burden on us, the Township. We, the people want you to earn a living, Mr. Elliot, just not by riding on the backs of the Township residents."

7. Mr. John Burns of Telegraph Road wants what is best for the entire Township, not the residents of one road or another. In a recent newspaper article, headlines read "Appeals Court says Bedminster Township Does Not Have to Accept Developments." Mr. Burns agrees with that sentiment, and suggested the Supervisors "just say no" to development and find out how Bedminster Township arrived at this determination.

B. APPROVAL OF MINUTES – Action on the minutes of the November 8, 1999 Worksession Meeting – Supervisor Bennington noted the following correction to page 6, third paragraph, seventh sentence – the words "West Rockhill" should be omitted from the sentence to state "Now, because the voting on that Authority is heavily weighted by the inequity of voting strength, Perkasio and Sellersville can easily outvote Hilltown, East Rockhill, and Silverdale Borough combined."

Motion was made by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the November 8, 1999 Worksession meeting, as corrected. There was no public comment.

C. APPROVAL OF CURRENT BILLING – Chairman Bennett presented the Bills List dated November 23, 1999, with General Fund payments in the amount of \$25,214.88, State Highway Aid payments in the amount of \$10,968.15, and Escrow Fund payments in the amount of \$2,112.29, for a grand total of all payments in the amount of \$38,295.32.

Motion was made by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List dated November 23, 1999, subject to audit. There was no public comment.

D. CONFIRMED APPOINTMENTS:

1. Mr. Denny Litzenberger – Pineside Drive Dedication Request – Mr. Litzenberger was in attendance representing Mr. Frank Rice concerning Pineside Drive, which at present is a common driveway, also known as a private road, servicing several residences for access. Pineside Drive is located east of Dublin Pike. Mr. Rice wished to discuss the possibility of having the private road dedicated to the Township. Mr. Litzenberger presented copies of a previous plan for the Hilltown Meadows Subdivision in 1993, and photographs of the existing roadway.

Chairman Bennett asked how many homes Pineside Drive serves. Mr. Rice replied that the road serves eight different residences. Mr. Horrocks asked the width of the cartway. Mr. Litzenberger responded that the cartway is 15 ft. wide. Mr. Horrocks explained that PennDot requirements are for a 16 ft. wide cartway with an 80 ft. diameter cul-de-sac at the end of the road, and the Township's standards are even higher. Unless PennDot requirements are met, Mr. Horrocks noted that the Township could not receive any PennDot Liquid Fuels funds if the Supervisors agreed to accept dedication of Pineside Drive. Chairman Bennett asked why the applicant is proposing dedication of Pineside Drive. Mr. Rice advised the residents of the road have requested that the road be dedicated as a public road, due to the liability and the maintenance involved with upkeep. Chairman Bennett asked if the residents of Pineside Drive are willing to pay for the improvements to bring the roadway up to Township standards for dedication. Mr. Rice does not know, however all but one resident was agreeable to exploring the possibility of presenting the road for dedication. Mr. Wynn does not know how Pineside Drive was constructed and paved in 1992. Obviously, one of the considerations, even if the Board considered accepting dedication, is to determine what the necessary width is. PennDot's minimum standard is 16 ft. and the Township's minimum standard is 26 ft. Additionally, Mr. Wynn advised the Township has requirements with regard to depth of stone and depth of asphalt, and he does not know the depth of either on this particular road, even at its present 15 ft. width. Another obstacle is that there is no turnaround at the end of Pineside Drive, which is a requirement of both PennDot and the Township. Further, this street would then become a cul-de-sac, and would exceed the cul-de-sac street length requirement of the Ordinance. Mr. Wynn explained that this site was originally a subdivision permitted on a private street at a time when the Township allowed subdivisions on private roadways. Mr. Wynn suggested that applicant propose what they would like to do, and then appear before the Planning Commission for a recommendation, since the issue involves waivers of Subdivision Ordinance requirements. Discussion took place. The Board directed Mr. Rice to review Ordinance requirements and specifications for public streets. Unless the residents of Pineside Drive are willing to bring the road up to Township standards, Supervisor Bennington is not in favor of accepting dedication of this or any other private road.

2. Kunkin Steel – Parking/Fencing Issues – Ms. Cheryleen Strothers was in attendance to present the issues for discussion for the site located at Bethlehem Pike and Central Avenue. The applicant is in the process of obtaining a PennDot permit and the Bucks Conservation District will be forwarding their approval letter shortly. The proposal before the Board this evening is to construct and utilize a large stone lot for storage of a trailer and excess steel girders that are manufactured and stored prior to shipment. Ms. Strothers is before the Supervisors to discuss the number of parking spaces required. The lot in question is approximately 2.5 to 3 acres in area. Since it is such a large lot, Ms. Strothers asked if the Board wishes to specify the number of parking spaces to be utilized. Mr. Wynn does not believe it is necessary to delineate specific parking spaces on the site since the area is a large stone parking area to be used for trailer and steel product storage.

Another issue deals with fencing and/or buffering of the lot itself. It has always been the applicant's intention to provide a landscape berm around the perimeter of the site up to the point past the stone parking lot. At last month's meeting, the Planning Commission recommended that a fence be required. Ms. Strothers presented the option of using a landscape berm with evergreen plantings along the top to screen the site from the roadway. Ms. Strothers presented photographs of sections of the berm around the perimeter of the site, which shows that for the most part, visibility is blocked from the road. The applicant is willing to construct the berm around the entire perimeter of the site, except for the entranceway. The berm is proposed at a minimum of 4 ft. high with evergreen plantings on top, which Ms. Strothers believes will provide better screening than a fence would. Mr. Wynn noted the fence would have been required at 6 ft. to 8 ft. high. Supervisor Bennington suggested the berm be at least as high as the required fence. Ms. Wynn advised that the berm along Central Avenue is much higher than 4 ft. due to the slope of the property. Discussion took place concerning the bond for the cost of the trees, mulching and seeding of the berm.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to grant a waiver for parking space delineation for the stone parking area for Kunkin Steel; to accept the construction of a 4 to 6 ft. berm with tree plantings around the perimeter of the site; and to permit discussion with the Township Solicitor with regard to the bond for cost of trees, mulching and seeding of the berm. There was no public comment.

**\*8:00PM – PUBLIC HEARING #1 – To consider the adoption of an Ordinance to confirm and re-establish the Hilltown Planning Commission, providing for appointment of members, removal of members, organization, powers and duties of the Planning Commission, and repealing an Ordinance adopted on March 8, 1958.**

Upon further review of the proposed Ordinance, Supervisor Bender has several issues he would like to investigate and discuss further, including the length of the term and requirements for meeting absences.

Motion was made by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously to table this Ordinance for further discussion at the December 13, 1999 worksession meeting and re-advertisement, with the intention of considering the proposed Ordinance for adoption at the December 27, 1999 meeting. There was no public comment.

**PUBLIC HEARING #2 – To consider the adoption of the proposed Wastewater Facilities Plan (Act 537).**

Mr. Wynn advised the plan of study for the Wastewater Facility Plan Update was approved by DEP in October of 1994. In accordance with DEP requirements, there was a 30-day public comment period that expired on November 4, 1999, and the adoption of this Plan has been advertised for the Board's consideration this evening. Mr. Wynn explained that the Plan proposes implementation of a collection and conveyance system and construction of a sewage treatment plant to provide additional treatment plant capacity to serve the portion of the Township development district within the jurisdictional limits of the Hilltown Township Water and Sewer Authority. The Plan also proposes continued reliance on treatment facilities at P.W.T.A. for the portion of the Township served by Telford Borough Authority, and a portion of the Township to be served by the Perkasio Borough Authority. The Plan proposes extension of Hatfield Township Municipal Authority public sewer collection system to serve businesses and residential properties along Rt. 309 within the Rt. 309 corridor study area. This will involve execution of a service agreement between Hilltown Township and Hatfield Township Municipal Authority. Treatment would be at the Hatfield Township Authority treatment plant. The Plan also proposes an increased level of municipal involvement in wastewater facility planning and maintenance through implementation of a public education program. Further, the Plan proposes implementation of an inspection and monitoring program for the operation and maintenance of holding tanks, small flow treatment facilities, and individual residence spray irrigation systems within the Township; as well as implementation of a wastewater alternative selection process for all developments to insure utilization of the most cost effective and environmentally sensitive disposal and treatment facilities.

In order to consider the wastewater facilities throughout the Township, Mr. Wynn explained that the Township was divided into six study areas. Those areas included a small portion of the Township in the Line Lexington area, called the Line Lexington Study Area currently served by Chalfont-New Britain Treatment Authority. There is no proposed change to this area. The second study area included the Rt. 309 corridor from

Line Lexington, north to Rt. 113 along Rt. 309 and County Line Road. Currently, there are properties in this area served by Souderton Borough, some by Hatfield Township Municipal Authority, and many properties not currently served by public sewer. In this area, there is a proposal to formalize an agreement with Hatfield Township Municipal Authority to provide public sewer from Line Lexington, along Rt. 309, to approximately Mill Road. The third study area is the Mill Creek area, also currently under the jurisdictional limits of the Telford Borough Authority. This study area would continue reliance on T.B.A. for those areas proposed to be served by public sewer. Treatment would be at the P.W.T.A. treatment plant. There are portions of that study area that are currently zoned Rural Residential, which would continue to be reliant on on-site systems. One of the larger study areas is that served by the Hilltown Township Water and Sewer Authority. This area has the same jurisdictional limits of the Hilltown Authority, and includes portions of the Township served by H.T.W.S.A. with public sewer, as well as portions within their jurisdictional limits, which are not served by public sewer. This study area would continue to rely on P.W.T.A. for treatment plant capacity, and would increase capacity for the development district portions of that study area through the construction of a treatment plant. The balance of the area is zoned Rural Residential, and would continue with on-site sewage disposal. The fifth study area is the smallest called the P.B.A. study area, and is that portion of the Township abutting Perkasio Borough, located on Callowhill Road and Telegraph Road. There are a few properties in this location that are currently served by Perkasio Borough Authority public sewer facilities, along with a few vacant parcels. The Plan proposes that this area be included in a service agreement with P.B.A. for public sewer service. The largest study area is the Outlying Area, which includes the remainder of the Township and is mostly zoned Rural Residential, although it does include Hilltown Village, which is proposed to rely on on-lot management of in-ground septic systems.

When the Township advertised a 30-day public comment period, comments were received from Perkasio Borough, Pennridge Wastewater Treatment Authority, Mr. Robert Gundlach on behalf of the Elliot Building Group, and the Hilltown Township Planning Commission. The Board of Supervisors received and reviewed these comments, as well as a draft response prepared by the Township staff, including Mr. Wynn and the Hilltown Authority staff and engineer.

Mr. Wynn briefly reviewed the public comments received. Perkasio Borough, via correspondence dated November 4, 1999, suggests that the Township should develop additional sewage treatment facilities in the Pennridge Wastewater Treatment Authority, and not construct an individual treatment plant. They state that there are economic benefits to the Hilltown customers, and felt Hilltown Township could manage their growth better through cooperation with P.W.T.A. The response from the Township acknowledges that there may be potential economies of scale to the expansion of the P.W.T.A. plant, however the cost savings are not really to the existing customers. Rather



the cost savings would be to future customers or developers, as well as a requirement that the Township would have to purchase enough capacity for a long-term planning period. Mr. Wynn noted that this may in fact increase costs in the long run to current customers by floating a bond and financing for a large portion of a treatment plant expansion, rather than construction of a small plant and expansion of that plant in increments. Additionally, the Township noted in their response that there may be water quality benefits in construction of a treatment plant with a higher level of treatment, rather than the treatment plant at P.W.T.A.

The Pennridge Wastewater Treatment Authority in correspondence dated November 4, 1999, included a memo prepared by SC Engineers to the P.W.T.A. board, dated October 27, 1999. SC Engineers is the engineering firm hired by P.W.T.A. to prepare their Act 537 Plan for a proposed P.W.T.A. plant expansion, and is probably the engineering firm who will be involved in the design of that plant expansion. The first section of the letter from P.W.T.A. points out that there are several inconsistencies within the report, and they note that the inconsistencies are insignificant. The types of inconsistencies deal with the size of the treatment plant and the number of EDU's necessary or the gallons per EDU. In review of their comments, the Township did not feel any need to make revisions to the Act 537 Plan to address these items. The Plan very clearly recommends a treatment plant of 150,000 gallons per day and these revising numbers throughout the plan were due to different evaluational alternatives during the course of the Act 537 Plan revision. Additionally, as the Act 537 Plan was being prepared over a five-year period, Mr. Wynn advised that trying to determine the size of a treatment plant of 150,000 gallons, is very difficult to do because there are constantly new developments being proposed, approved or denied. Therefore, the Township feels that the proposed 150,000 gallons per day treatment plant is reasonable for the five-year planning period, and also makes sense from the standpoint of the Bucks County Planning Commission's estimates for the anticipated growth within the Township. Mr. Wynn stated that the treatment plant is proposed within the study to be expanded in the future to 300,000 gallons, which actually coincides with the Bucks County Planning Commission's population projections for a ten year period. A large portion of P.W.T.A.'s comments dealt with the Township's evaluation of alternatives and the conclusion that a treatment plant should be constructed, rather than expansion of the P.W.T.A. treatment plant. Mr. Wynn noted the Township disagrees with P.W.T.A's conclusions.

Correspondence dated November 4, 1999 from the Elliot Building Group was received concerning the treatment of their property within the proposed Act 537 Plan. Mr. Gundlach had noted that the physical characteristics of the Hilltown Chase Subdivision site mandates public sewer service, and that the density of the development makes public sewer the most appropriate alternative because the soils at the site are inadequate for an individual community spray irrigation system. The Township's response, however, notes that the preliminary plan for Hilltown Chase does not propose extension of the central



sewer system, but rather construction of a package treatment plant. Further, Supervisor Bennington commented the Hilltown Chase site is not part of the development district. The Elliot Group also refers to the Township's long term physical development plan that included expansion of public sewer service to the area containing their site, and noted that the Comprehensive Plan dated November, 1991, included a future development district which incorporated the Elliot property. The Township responded that the Comprehensive Plan is currently under review and that the area in question is no longer going to be considered for future CR Zoning. Mr. Gundlach's correspondence also stated that public sewer has already been extended to this area and references the Hilldale Subdivision, located southwest of the site, as an example. Mr. Wynn explained that extension of the public sewer to the Hilldale Subdivision was accomplished in 1985, after various studies were conducted and the Township approved an Act 537 revision. Subsequently, the Hilldale Subdivision was re-zoned Country Residential-2, recognizing the current policies of the Township and the public sewer extension. Since that time, technologies have changed significantly with respect to construction of community system alternatives, such as package treatment plants, and recognizing those advancements, the Township proposes the use of package plants when on-site sewage disposal is not possible for a site within the RR Zoning District. The correspondence also noted that the Elliot property is in close proximity to areas that are either connected to public sewer, or will be in the near future. Mr. Wynn commented that can be said about any property located on the fringe of the public sewer system.

Comments dated November 4, 1999 were also received from the Hilltown Township Planning Commission. The Planning Commission suggested that maps S-1 and 2-9 be consolidated with changes that would identify parcels served by different Authorities in different colors. Mr. Wynn advised map S-1 is actually a plan implementation map, and the areas colored on that map are the studies areas developed in Chapter 4. Those areas do not represent an area proposed or not proposed for public sewer. The map for Figure 2-9 was the plan that identified the parcels within the Township that are served by public sewer and has been revised and re-colored so that the parcels served by the various Authorities are identified on the map. The Planning Commission's second comment deals with page S-8, Item #4, which is the implementation schedule for the H.T.W.S.A. study area for construction of a new treatment plant. Item #4's task as listed states "Enter into agreements with developers for construction." The Planning Commission questioned the terms of the agreement, whose designs and specifications are being used, who does the construction, and who oversees and inspects the construction. Mr. Wynn commented these tasks, including execution of agreements, negotiations with property owner for property acquisition, design of the facility, permitting, and construction, are all actually beyond the scope of the Act 537 Plan. Those tasks would be undertaken by the Hilltown Authority to their specifications and requirements during the implementation stage, rather than the planning stage. Therefore, no revision has been proposed to task #4 of the implementation schedule. The Planning Commission also commented on page 2-17,

dealing with land use under the Country Residential-1 District, the last part of that land use states "This zoning district is intended to be the development district. It is to be expanded only upon demonstration of fair share deficiencies." The Planning Commission suggested that a simpler, clearer, more restrictive language for the last sentence be considered. The Township has proposed simply deleting the last sentence, and completely removing the suggestion that it is going to be expanded. On page 2-19, Item #9 dealing with land use under the Rural Residential Zoning District, the Planning Commission recommended that the last sentence be revised to "Public water and sewage services will be extended only at that time pending proof that the designated areas can be adequately served and the expansion is required to provide Hilltown Township's fair share of development growth." Mr. Wynn advised this has been done, and page 2-19, second paragraph has been revised to state "These areas should only be utilized for residential development at higher densities, if and when residential development districts as shown on the short-term land use plan, have been completely developed, and therefore can not accommodate Hilltown Township's requisite fair share of growth." The Planning Commission also recommended that the word "monthly" be deleted in paragraph 4 on page 6-2, which has been done. The Planning Commission noted that on page 7-6, there is an inconsistency regarding the size of the treatment plant. The Township acknowledges that there are some differences in the size of the treatment plant as it was evaluated throughout the document, and does not feel the need to correct those inconsistencies because the conclusion was very clear that a 150,000 gallon per day plant would be constructed. The last item in the Planning Commission correspondence was a question that is general in nature "Why is the developer building our sewage treatment plant?" Mr. Wynn explained that the Wastewater Facility Plan does not propose that, and therefore, the Township had no comment since the design and construction of the treatment plant is actually beyond the scope of the Act 537 Plan, and is something that would be administered by the Township Authority.

If the Act 537 Plan currently calls for a plant of 150,000 gallons per day, Supervisor Bennington asked if an Act 537 Plan revision is required to revise the Plan for the larger 300,000 gallons per day plant in the future. Mr. Wynn replied that the Township would not have to do that if the plant ended up in its design stage at 170,000 gallons. Supervisor Bennington thought the Township was designing the proposed plant to service the current development requirements. Mr. Wynn stated that was correct. The Township could propose an Act 537 revision in the future, when and if the sewage treatment plant requires expansion. Mr. Wynn explained that it may not be necessary, because the Plan already envisions that increase in capacity. Mr. Wynn would take the approach with DEP that the Township is proposing another Act 537 revision in the future for the increased treatment plant capacity. However, DEP may determine that it is not necessary because the Plan already envisions it. Supervisor Bennington noted this is the reason the Township waited for P.W.T.A to increase their capacity all these years, because the Township did not want uncontrolled capacity for 20 years worth of growth. The

Township wants to contain capacity growth, yet Supervisor Bennington believes what Mr. Wynn is saying is that the Township is already proposing an expansion of the 150,000 gallons per day plant that is required for development at this time. Mr. Wynn reminded Supervisor Bennington that this is after review of a ten-year planning period, instead of five years. Supervisor Bennington does not want to review a ten-year planning period, he wants only what is required for development at the present, and does not want the Township to be in the same situation that they are with P.W.T.A. Mr. Wynn explained that P.W.T.A is looking at a 20 or 30-year planning period, and a much larger demand than Hilltown is proposing. Supervisor Bennington was under the impression that the proposed Act 537 Plan was simply for the development as proposed at this time, such as Orchard Hill, the Papiernik Tract, and C.D. Moyer proposals. Mr. Wynn commented that those three developments add up to more than 150,000 gallons per day, and he does not believe that will occur in a five-year period. That is why the numbers throughout the Plan are "inconsistent." The Township actually has development proposals that exceed the five-year planning period in capacity, but Mr. Wynn does not believe they will be constructed that quickly. Discussion took place.

Public Comment:

1. Mrs. Marilyn Teed of Mill Road asked if Heritage Building Group, who will be fronting funds to construct the wastewater treatment plant, approached the Township concerning this issue. Supervisor Bennington noted that Hilltown Township needs a sewage plant because there is no capacity remaining, and asked if the residents would rather have the taxpayers or a developer pay for the construction of treatment plant. Mrs. Teed feels that individual treatment plants should be constructed in each development, because she does not want anyone else's sewage running across her front lawn. Supervisor Bennington explained that the treatment plant is proposed to be constructed in a non-residential area. Mrs. Teed wondered what rights or privileges will be afforded Heritage Building Group because they are putting up the money to construct a wastewater treatment plant, and asked if they will make use of all the EDU's available. Supervisor Bennington advised that the developments proposed by Heritage have been planned to use the sewage plant. Mrs. Teed asked if the owners of failing systems will be able to connect to the package plant. Mr. Wynn explained that failing systems, as long as they are located within the development district, would be able to connect to the sewage treatment plant, since the Plan does not provide for the extension of public sewers into the Rural Residential District. Mr. Kelso also noted that capacity has not necessarily been assigned to individual properties or to developers, it is assigned to the development district. Supervisor Bennington asked how many EDU's the 150,000 gallons applies to. Mr. Kelso believes it is 500 EDU's. Assuming that the one Heritage development has 348 dwellings and the other Heritage development has 276 dwellings, Supervisor Bennington commented that total already surpasses the 500 EDU's. Mr. Wynn reminded Supervisor Bennington that this is for a five-year period. Discussion took place.

Mrs. Teed asked what responsibilities Heritage Building Group will have with the construction of a sewage treatment plant. Supervisor Bennington replied that the developer will have to build the treatment plant to the specifications of the Hilltown Township Water and Sewer Authority, so that it is the most up-to-date modern plant in a non-residential area. Mrs. Teed asked if the Hilltown Authority will have control over the treatment plant. She believes there is a problem with corruption in Hilltown Township and the residents of developments would have more control if treatment plants were constructed in the middle of those developments. Discussion took place.

2. Mr. Jack Fox of Hilltown Village advised that with a 150,000 gallons there is approximately 600 EDU's, however the Township has overlooked the proposals for Longleaf II, the C.D. Moyer Tract, the Papiernik Tract, and the Orchard Hill Subdivision, which would total 600 EDU's. Mr. Wynn advised all the developments mentioned by Mr. Fox are referred to in the Act 537 Plan.

3. Mr. John Thompson of Telegraph Road is concerned about what history or experience Heritage Building Group, or any other developer who will be constructing the treatment plant, might have. Mr. Kelso explained that the intent is not to necessarily have the developer build the treatment plant. There are several options, including directing the developer to construct the plant to the Township's standards; the Authority could charge a tapping fee; or the Authority could take complete control of the facility – designing and constructing it. The bottom line is that the developer will end up paying for it because they are the proposed users. Again, Mr. Wynn commented that is beyond the scope of the Plan before the Board this evening. If a developer was to construct the treatment plant, all those decisions would be made by the Hilltown Authority during the design and construction of the plant.

Solicitor Grabowski stated that it is premature for the Hilltown Authority to make any decision on the design or construction of a sewage treatment plant until an Act 537 Plan is approved. He reviewed the different alternatives for construction of a sewage treatment plant, such as construction by a developer, construction by the Township, or developer's escrowing funds for the construction. If the Authority constructed the sewage treatment plant, they would have to go out on public bid. The bidding procedures in Pennsylvania require that the lowest, responsible bidder must be accepted, regardless of whether they are the best bidder. If the developer constructs a sewage treatment plant, the cost of construction of that plant will be determined by the Authority, placed in escrow, and guaranteed by either a letter of credit, cash deposit, or a bond. Assuming that the Act 537 Plan is adopted this evening, the next step will be for the Authority to enter into discussions with the Board of Supervisors for consideration of implementation of the project in terms of the development district. At the present time, the Township is aware of what developments are proposed for the development district, however the Township does not know whether or not all those developments will be approved.

4. Mr. Bill Rieser of 508 Telegraph Road asked for clarification on one of the points made previously. If 500 EDU's are used in two years, Mr. Rieser asked if that means no further development will be permitted in the development district, or if the sewage treatment plant can be expanded according to new developments. Mr. Wynn replied that the Act 537 Plan is not a Zoning Ordinance or a development control plan, rather it is a plan for sewage treatment disposal. The Plan would have to be re-evaluated in two years, if that were the case. It appears to Mr. Rieser that the Township already knows that the capacity will be reached much sooner than five years. Mr. Wynn disagreed.

5. Mr. Bob Grasmeder of Beverly Road asked what will happen if the developer decides not to fund the sewage treatment plant because they reduce their number of dwellings once construction has begun. Solicitor Grabowski explained that the developer would be required to escrow funds up front in the name of the Authority and/or the Township. There is always the possibility that a developer may go bankrupt, and therefore in situations where funds for public improvements are required, those funds are placed in an irrevocable escrow for the Township's use to complete any improvements that might be defaulted by a developer. In order to protect rate payers, Mr. Kelso noted that funds must also be escrowed for plant operational costs for anywhere from two to five years, not just construction costs.

6. Mr. Bill Bradley of 18 Beverly Road questioned what happens when the development district is built out, and asked if the Township would then reach their "fair share" at that point. Supervisor Bennington advised that the Comprehensive Plan, once it has been revised, will not include any future development district, because the Township has their fair share in the development district at present. Supervisors Bender and Bennett agreed.

7. On behalf of the Elliot Building Group and their interest in the proposed Hilltown Chase Subdivision, Mr. Gundlach asked if the draft Act 537 Plan has been endorsed or recommended by the Hilltown Authority. Mr. Wynn explained that the Township Authority participated in the preparation of this Plan by providing a consultant for that portion of the Plan that is implemented within areas that the Hilltown Authority has jurisdiction. Mr. Gundlach asked if the Authority engaged the consultant that worked on the preparation of the plan, and Mr. Wynn replied that they did. Mr. Gundlach asked if the Authority's consultant interacted and had communication with Mr. Wynn, the Supervisors, and the other Township consultants. Mr. Wynn replied that he did, and that this draft Act 537 Plan was discussed at public meetings with the Planning Commission with Supervisors present. In the proposed Act 537 Plan, Mr. Gundlach noted there are a number of proposed developments cited throughout the document, and there is no reference to the Hilltown Chase project throughout the plan. Supervisor Bennington commented that the Hilltown Chase project is not proposed in the development district,

and therefore would not be included in the Act 537 Plan. Mr. Wynn referred to page 7-4, Chapter 7 – Study Area Alternatives Analysis citing the Central Service District Study Area, which clearly shows that the Hilltown Chase Subdivision is not within the development district in that service area. Mr. Gundlach asked if the Hilltown Authority made a recommendation concerning the Hilltown Chase Subdivision with regard to the adoption of the proposed Act 537 Plan. Mr. Wynn replied that they did not. Based on this proposed Act 537 Plan, Mr. Gundlach asked if it was Mr. Wynn's interpretation that this Plan would contemplate a package treatment plant not public sewer, for the Hilltown Chase project. Mr. Wynn has previously stated that the Hilltown Chase project proposes a package treatment plant rather than extension of public sewer service, which is what he believes Mr. Gundlach's letter suggested should be proposed. Mr. Gundlach asked if the Hilltown Authority had discussions regarding the Hilltown Chase project. Mr. Wynn advised that he does not represent the Authority and does not attend their meetings, nor is he aware of any discussions.

For purposes of the record, Mr. Gundlach would like to formally object to limitations of 2 ½ minutes for the public comment in the questioning portion of this hearing. He believes that the limitation is not in accordance with Act 537 that contemplates the Public Hearing for full, formal, and proper cross examination of all consultants of the Township who prepared the Plan. Supervisor Bennington noted Mr. Gundlach's objection. Further, Mr. Gundlach commented that he had additional questions that would have taken more time, yet his time, according to the Board of Supervisors, has expired. Chairman Bennett advised that the reverse side of the meeting agenda clearly states the rules for public comment.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously **to adopt Resolution #99-33 to accept the proposed Act 537 Plan, as prepared.** There was no public comment.

**8:30PM - PUBLIC HEARING #3 –To consider the adoption of an Ordinance regulating installation and operation of holding tanks within the Township, establishing regulations and permit fees, providing penalties for violation and repealing Ordinance #93-1.**

Mr. Wynn explained that the Act 537 Plan includes a copy of this Ordinance in its drafted form, and assuming that it is adopted this evening, the plan sent to DEP will include a copy of the new Ordinance. The current Holding Tank Ordinance, #93-1, is basically the same as this proposed Ordinance. The major difference is that the holding tank is permitted to be 800 gallons instead of 400 gallons, due to a change in DEP regulations in 1996. Mr. Wynn noted this proposed Ordinance would increase the size of a holding tank permitted for a non-residential use, or industrial/recreational/commercial establishment of 800 gallons per day, as a permanent holding tank for sewage disposal in



compliance with DEP regulations. The accompanying Resolution is also almost identical to the existing Resolution regarding the standards for holding tanks, and the permit processing procedure with the Township. It provides for an application fee of \$100.00 for residential use. Residential holding tanks are installed to correct failing septic systems, not for new construction. An application fee of \$300.00 is required for a permit for a non-residential use. The cash escrow, which would be established along with an agreement to guarantee the future maintenance of a holding tank is \$250.00 for a single-family residential use, and \$1,000.00 for a non-residential use. These escrows are to provide funds for inspection of the site to guarantee that the holding tank is being maintained properly, should the Township receive a complaint from a neighboring property owner. The Resolution also provides for the removal of the holding tank upon 15 days after replacement of the holding tank with a alternate system, such as a sand mound; or in the case of a project within the development district, connection to public sewer.

Public Comment:

1. Mr. John Gillespie of Moyer Road questioned Section 6 of the proposed Ordinance, which states "Maintain the holding tank in conformance with this or any Ordinance of the Township," and asked what other Ordinances would apply. Mr. Wynn explained that it might involve erosion control, nuisance complaints with regard to odor, etc. There are other Ordinances of the Township that may be involved beyond this particular Ordinance. Further, Mr. Gillespie cited Section 6.B, which states "Permit only persons authorized by the Bucks County Department of Health and/or Pennsylvania Department of Environmental Protection to collect, transport and dispose of the contents herein." and asked if the Township has a list of those individuals. Mr. Wynn replied that the Bucks County Department of Health would maintain a list of those licensed collectors. Mr. Gillespie also cited Section 6.C, which states "Be responsible for the periodic cleaning or emptying of the holding tank as well as the cost thereof.", and noted that the period of time is not specified. Mr. Wynn explained that all these requirements are premised on the fact that a permit must be obtained from the Bucks County Department of Health, who has certain obligations on that permit. Mr. Gillespie was under the impression that this proposed Ordinance referred to private septic systems, however Mr. Wynn explained that this Ordinance only applies to holding tanks, not septic tanks, in-ground systems, or sand mound systems.

2. Mr. Bob Grasmeder of Beverly Road questioned Section 8, "Public Sewer Connections" and wished to confirm that this requirement only pertains to properties that can be connected to public sewer, not those in the RR Zoning District. Mr. Wynn agreed that was correct.



Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to **adopt Ordinance #99-12, the Holding Tank Ordinance and to adopt Resolution #99-34, with regard to Holding Tank requirements.** There was no public comment.

\*9:30PM – Chairman Bennett adjourned the Public Hearings, and called for a 10-minute recess. The regularly scheduled meeting of the Hilltown Township Board of Supervisors was reconvened at 9:40PM.

E. MANAGER'S REPORT – Mr. Bruce G. Horrocks, Township Manager –

1. Bids were received for the four used police vehicles as advertised. Mr. Horrocks recommended that Bid #99-9-A, B, C, and D be awarded to U.S. Properties Outlet, Inc. in the following amounts:

Car A – 1992 Chevrolet Caprice - \$1301.00  
Car B – 1995 Chevrolet Caprice - \$2028.00  
Car C – 1992 Chevrolet Caprice - \$1621.00  
Car D – 1994 Chevrolet Caprice - \$2028.00

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to award Bid #99-9-A, B, C, and D to U.S. Properties Outlet, Inc. in the total amount of \$6,978.00 (with individual prices as listed above). There was no public comment.

2. Mr. Horrocks presented two Escrows for the Board's consideration:

Orchard Glen Subdivision	Voucher #53	\$1,968.42
Orchard Glen Subdivision	Voucher #54	\$2,192.30

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to release the two Escrows as noted above. There was no public comment.

3. The Township received Supervisor Bender's written resignation from his position on the Hilltown Township Water and Sewer Authority, effective following adjournment of the December 8, 1999 H.T.W.S.A. meeting.

Motion was made by Supervisor Bennington and seconded by Chairman Bennett to accept Mr. John Bender's resignation from the Hilltown Township Water and Sewer Authority Board, effective December 8, 1999, following adjournment of the December 8,

1999 H.T.W.S.A meeting, and to authorize advertisement of the vacancy on the Hilltown Authority. There was no public comment.

4. Mr. Horrocks presented a draft of the 2000 Budget, and requested Board authorization to advertise the Budget for possible adoption at the December 27, 1999 Supervisor's meeting. While the Budget is not in its final state at this time, Mr. Horrocks is optimistic that by December 27, 1999, there will be a balanced budget with no tax increase anticipated for the year 2000.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to authorize advertisement of the 2000 Budget for possible adoption at the December 27, 1999 Board of Supervisors meeting. There was no public comment.

5. Mr. Horrocks advised the Bucks County Open Space Review Board meeting will be held tomorrow evening, November 23, 1999 with the Owen Rice property in Hilltown Township listed as a confirmed appointment on their agenda.

F. CORRESPONDENCE – None.

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

1. Solicitor Grabowski advised that refinancing was held last Monday, November 15, 1999 at Union National Bank. The 1994 Bonds have been paid off by escrowing the required amount of money with the bank, and the new Note is now in effect at the lower rate of interest.

2. At the last meeting, the Board took action approving the water overlay map. Solicitor Grabowski explained that the next step is for him to meet with those agencies affected by the map. Solicitor Grabowski contacted the North Penn Water Authority to schedule a meeting in December, along with Mr. Horrocks, Township Manager, and Mr. Groff, Authority Manager.

3. In the Executive Session held prior to this meeting to discuss legal matters, Solicitor Grabowski noted the Zoning Officer requested authorization for the Solicitor's office to defend Section 400 of the Zoning Ordinance at the upcoming Brophy Zoning Hearing Board meeting on December 2, 1999.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to authorize the Township Solicitor to represent Hilltown Township with regard to Section 400 of the Zoning Ordinance at the upcoming Brophy Zoning Hearing Board appeal meeting on December 2, 1999. There was no public comment.

4. Several months ago, the Supervisors discussed establishing regulations pertaining to block parties or other social activities on public streets. Solicitor Grabowski was given the task of assembling all comments of staff members and various departments. Solicitor Grabowski will present a rough draft of the proposed Resolution to the Board for review following this meeting.

5. There was discussion at the last worksession meeting with regard to a proposed Cellular Telephone Regulation Ordinance. Solicitor Grabowski will provide the Board with a draft Ordinance following this meeting, for possible discussion and authorization for advertisement at the next meeting.

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

1. Hilltown Chase (Prel.) – Mr. Wynn's engineering review dated November 9, 1999 and the traffic engineering review dated November 12, 1999 from Heinrich & Klein Associates, Inc. were discussed. At the November Planning Commission meeting, Mr. Gundlach, the applicant's engineer, advised the Planning Commission that the applicant would comply with all items contained in the November 9<sup>th</sup> engineering review. The traffic engineering review was discussed in detail between Mr. Gundlach and members of the Planning Commission. The Planning Commission approved a motion not to vote again on a recommendation for this preliminary plan. The motion passed by a majority vote with Mr. Beatrice abstaining and Mr. Beer voting no. The latest extension for review of this plan requires action by the Board of Supervisors not later than November 30, 1999.

Mr. Robert Gundlach, the applicant's attorney, along with Mr. John DiPasquale of the Elliot Building Group, Mr. Larry Byrne, applicant's engineer, and Mr. Frank Zabowski, applicant's traffic consultant, were in attendance to present the plan. Mr. Gundlach advised that this plan has been revised and submitted three times in compliance with three review letters of the Township Engineer and other Township consultants.

Supervisor Bennington commented that Mr. Gundlach is required to inform the Board of Supervisors that the applicant's stenographer is taking notes of this meeting. Mr. Gundlach agreed that a stenographer will be recording the action of this meeting with regard to the Hilltown Chase Subdivision.

Mr. Byrne explained that the plan configuration shows a single access onto Telegraph Road, with an interconnection to the existing temporary cul-de-sac of Beverly Road. The proposal consists of 49 single-family lots with another parcel located along Telegraph Road to contain the proposed on-site treatment plant, and two large open space parcels. The total site consists of approximately 51 acres and the open space parcels total approximately 31.8 acres. Public water is proposed for the site as provided by the

Hilltown Authority, and the proposed method of sewage treatment is an on-site treatment plant. Mr. Byrne advised the initial preliminary plan submission as made on April 23, 1999 consisted of 50 single-family lots, with a sewage pump station, which was intended to convey the raw sewage to an existing manhole on Beverly Road by the Hilltown Authority. Since that time, four review letters were received from the Township Engineer's office, which brings the plan to the present configuration before the Board this evening.

Supervisor Bennington wished to clarify that the applicant has not requested a change in zoning to the Hilltown Chase property at any time, and Mr. Byrne agreed that was true.

Mr. Gundlach referred to item #1 of Mr. Wynn's November 9, 1999 review, referencing the elimination of the road connection to Beverly Road, and noted that the plan before the Board contemplates the connection through Beverly Road. Mr. Byrne has reviewed the record plans for the adjacent Beverly Road development, which clearly proposed a temporary cul-de-sac street intended to be extended in the future. Mr. Byrne believes the design for the proposed connection to Beverly Road is consistent with the note contained on the record plan for the Beverly Road development. Supervisor Bennington commented the stub road was put in place for Beverly Road under the assumption that the number of homes expected to be constructed on what is now the Hilltown Chase property would be fewer than what is now proposed, prior to the adoption of Ord. #98-13.

Supervisor Bennington asked the distance from the side of the existing dwellings on Beverly Road to the homes proposed in the Hilltown Chase development. Mr. Byrne advised the applicant has provided a 50 ft. building setback, with an additional 5 ft. setback, which is a side yard setback from Lot #1 and Lot #49.

Note #5 of Mr. Wynn's November 9, 1999 review references a note found on a prior plan that contemplated a pumping station and connection to public sewer through Beverly Road. The current plan is revised and recommends an on-lot sewage disposal plant with a gravity collection system. Mr. Byrne noted the highest elevation of the site is located at Beverly Road and drains toward Telegraph Road. The gravity collection system was designed to collect the sewage for flow to one location along Telegraph Road. Mr. Byrne advised the original proposal was for a pump station to convey sewage to the Beverly Road area and connection to public sewer, however through various revisions to the plan, it was determined that an on-site treatment plant would be the more practical method of treating the sewage. Mr. Byrne commented the site chosen along Telegraph Road is the ideal location for construction of the sewage treatment plant since it meets all Zoning requirements with regard to buffering, road frontage, and site area. It is Mr. Byrne's opinion that this is the most logical, if not the only feasible location to place the sewage treatment plant due to the topography of the site draining to the low point of the property. The effluent would then be discharged into the pond area as shown on the plan. The

applicant recently received effluent criteria from DEP for the proposed treatment plant, and design of the plant itself will begin shortly.

Supervisor Bennington had requested that the applicant attend the Hilltown Township Water and Sewer Authority meeting to review the package treatment plant, and asked what direction the Hilltown Authority provided. Supervisor Bender, who is also a member of the Hilltown Authority, commented it is somewhat unusual to discuss these types of proposals prior to plan approval by the Township. The Authority Engineer, Mr. Tom Kelso, and the Authority Manager met with Mr. Byrne in Mr. Kelso's office, and Supervisor Bender was not present. Supervisor Bender asked Mr. Byrne if the recommendation from the Authority manager and engineer was that the site proposed for construction of the treatment plant is the best location. Mr. Byrne explained that the applicant had requested to be a confirmed appointment at the Authority meeting, however due to scheduling conflicts, it was determined that he would meet with Mr. Kelso and Mr. Groff prior to any Authority meeting. Mr. Byrne met with Mr. Kelso and Mr. Groff on October 20, 1999 to discuss the plan. At that time, there were some informational and written comments provided regarding the details on the plan sheet. Mr. Byrne advised several proposed locations were considered, however they were not feasible because a pump station would be required due to the elevation, and there is also a requirement for 150 ft. of road frontage, which limits the choice for the site. Based on Township Zoning criteria as well as buffer requirements, it is Mr. Byrne's professional opinion that the proposed site is the best location for the treatment plant. Supervisor Bennington asked Mr. Kelso, Mr. Groff, and Supervisor Bender if, in their opinion, there is a more desirable location on the site to place the sewage treatment plant. It was the opinion of Mr. Kelso that the proposed site does not meet the State guidelines for a sewage treatment plant, which is 250 ft. from the nearest residence. Even though it is a guideline, Mr. Kelso commented it is something that the developer should attempt to adhere to because of inherent problems with these types of systems. Supervisor Bender asked if the proposed treatment plant site is closer than 250 ft. to the nearest dwelling, and Mr. Byrne replied that the proposed site is approximately 80 ft. to the closest dwelling. Supervisor Bennington noted that this proposal does not meet the State guidelines. Mr. Byrne commented that the distance of 250 ft. from a dwelling is merely a recommendation, not a requirement. Since the sewage treatment plant is to be designed to the specifications of the Hilltown Authority, Supervisor Bennington believes the Authority would recommend the optimum location for the plant. Mr. Kelso replied that the Authority wants to optimize the ideal location in order to minimize future problems with current and future residents. Mr. Kelso stated that the location of the proposed sewage treatment plant for the Hilltown Chase Subdivision is not the desired or optimal location. Mr. Kelso feels that the problem with the Authority being involved with the package treatment plant at this stage is that no detail has been provided by the developer and therefore, there is not much to review. The only written comments provided by the Authority were with regard to the water and sewer pipes. Mr. Groff commented it is the general policy of the

Hilltown Authority to wait for preliminary plan approval in order to work to the design of the proposed facilities, however this was a unique situation where the Supervisors requested the Authority to review the proposal. Mr. Byrne commented the applicant received very little feedback from the Authority until recently. It was Mr. Byrne's understanding that the applicant would work with the Authority to find an agreeable design for the plant itself, and that the location of the plant was subject to some minor revisions or relocations. Supervisor Bennington understands that the design specifications could be discussed at a later date, however he feels that the location of the plant is paramount to the preliminary plan approval. Mr. Kelso pointed out areas to be considered for the sewage treatment plant, including the area located in the open space tucked into the woodland, which would optimize the location in terms of distance from any existing or proposed dwellings. Mr. Byrne agreed that the site Mr. Kelso prefers would be an ideal location, however that site does not necessarily comply with the developer's other concerns with the Township Zoning requirements for road frontage, which is a minimum of 150 feet. Further, Zoning regulations for this type of use requires a 50 ft. buffer. Mr. Gundlach stated that the Authority and DEP would have to approve the location and the design criteria for the sewage treatment plant.

Supervisor Bennington advised that the preliminary plan approval will dictate the location of the package treatment plant, and according to what has been stated this evening, the location proposed by the developer does not meet DEP's suggested guidelines. Supervisor Bennington noted that the developer is stating that the site chosen is the only place they can construct the package plant, however that is not what the Supervisors have to approve as part of the preliminary plan this evening. If the plant is ultimately placed at the location chosen by the developer, Solicitor Grabowski commented it becomes academic and moot after this evening. Until such time as it has been proven to Supervisor Bennington that the site proposed by the developer is the optimum location for the treatment plant, he is not willing to grant approval. Mr. Byrne noted that the requirement is not for 250 ft. from property lines, rather the requirement is for 250 ft. from occupied dwellings. Supervisor Bennington commented there will be an occupied dwelling closer than 250 ft. once the development is constructed. Solicitor Grabowski asked if the developer would consider the Authority's recommendation to relocate the proposed package treatment plant to the site Mr. Kelso referred to earlier. Mr. Byrne would be willing to work with the Authority to determine a suitable location for the package treatment plant, however he believes the location of the plant could be addressed as a condition of final plan approval.

Mr. Gundlach asked if the plans for the treatment plant have been revised to comply with the written comments provided by the Authority's engineer. Mr. Byrne replied that they have and noted that one of the main comments was to extend the water line across the frontage of the adjacent tax parcel. The applicant had previously terminated the water line at the intersection of proposed Paige Trail and Telegraph Road. If preliminary approval

was granted, Mr. Byrne anticipates working with the Authority and DEP to resolve the issues relating to the proposed package treatment plant. With regard to DEP's guidelines for a package treatment plant, Supervisor Bender asked if Mr. Byrne felt guidelines were a good thing. Mr. Byrne agreed that they are. Supervisor Bender gets the impression that Mr. Byrne does not take the guidelines seriously and would rather resort to the minimum to meet requirements, rather than to exceed them, which would be more beneficial. Supervisor Bender also gets the impression that the meeting with the Authority engineer and manager did not seem to change the opinion or outlook of the applicant's engineer with regard to the package treatment plant. Therefore, it appears to Supervisor Bender that the meeting with the Authority representatives was a waste of time. Mr. Byrne explained he was not provided with any specific direction on the plan, other than possibly the location of the treatment plant. Supervisor Bender feels that the location of the treatment plant is a major item. Early in the planning process, Mr. Gundlach stated the Authority issued a letter basically recommending against construction of package treatment plant, and endorsing connection of public sewer to this project. Mr. Gundlach asked if that is still the Authority's position, or if it has changed. At the direction of the Board of Supervisors, Supervisor Bender explained that the Authority took a "wait and see" position, until the proposal was submitted by the applicant. Supervisor Bender felt the Authority's position is irrelevant in this particular discussion. Without some definitive direction from the Authority, Mr. Byrne is not in the position to make major changes to the plan. Solicitor Grabowski reminded the Board that the Authority does not normally review plans until preliminary approval is granted, since any discussion prior to that may be academic or moot. Given that Mr. Kelso recommended that consideration be given to relocating the package treatment plant, Solicitor Grabowski asked if the applicant would consider that recommendation. Mr. Gundlach replied that if after receiving preliminary plan approval, DEP would absolutely require that the treatment plant be constructed in some alternative location, the applicant would have to abide by DEP regulations. Assuming that the location recommended by Mr. Kelso would comply with all Zoning requirements, Solicitor Grabowski asked if there are any reasons why the applicant would not consider the recommended location. Mr. Gundlach replied that the applicant would have to review the specific request and factor in the analysis of that request, to determine whether or not they agreed with the recommendations of the Authority. Mr. Gundlach reminded the Board that the Authority is a reviewing agency, and Mr. Byrne is with Carroll Engineering, a highly experienced engineering firm in the design of sewage treatment plants. If the treatment plant were relocated to the site suggested by Mr. Kelso, Solicitor Grabowski asked what problems, other than zoning, might be involved. Mr. Byrne replied that the location as proposed by the developer is the most feasible location for the sewage plant from a drainage point of view. The plant could certainly be located elsewhere on the site, however Mr. Byrne noted that it would incur additional expense associated with the construction of a second pump station and additional expense for driveway and roadway construction.



With regard to the proposed roadway improvements along Telegraph Road, Mr. Byrne advised the applicant is willing to widen Telegraph Road to a half-cartway width of approximately 14 ft., provide curb and storm drainage facilities, installation of a bike path located in the open space area outside of the legal right-of-way on the southern portion of Telegraph Road, installation of concrete sidewalk along the remaining portion of property frontage, and curb and sidewalk and roadway improvements along the frontage of TMP #15-28-208-1. The roadway improvements proposed along the frontage of the adjacent parcel are a requirement of the previous minor subdivision that created the Hilltown Chase parcel.

Mr. Frank Zabowski of FAZ Associates, the traffic engineer for the applicant, was in attendance to discuss the Traffic Impact Study dated September 27, 1999. One of the main purposes of the study was to review the proposed connection with Beverly Road. Mr. Zabowski explained the connection to Beverly Road would represent an extension of the existing cul-de-sac stub street, which is a temporary cul-de-sac in terms of its existence. The connection would not be a straight-through connection to Telegraph Road, rather it is proposed as an extension of Beverly Road, with a connecting secondary loop road through the site, which would take access on Telegraph Road. Mr. Zabowski advised the volumes of traffic for either the proposed Hilltown Chase development or the existing Beverly Road development, are both low-volume traffic generators in terms of overall volumes. The connections would provide both the proposed and existing development the option of choosing whichever street was more convenient for them in their specific destinations. The applicant expects that traffic will distribute itself from this development primarily to Telegraph Road, with the exception of some traffic that may be destined to the south on Rt. 152. Mr. Zabowski commented the findings of the Township traffic engineer's review letter also indicated that the extension and tie-in of the two subdivisions was appropriate from a transportation planning point of view and consistent with the initial intent for the stub street of Beverly Road and the temporary cul-de-sac. Mr. Zabowski has reviewed the potential impacts that this proposed subdivision might have on the surrounding roadway system, and determined that the levels of service at the surrounding intersections, including the Beverly Road/Audrey Lane intersection with Rt. 152, as well as the Telegraph Road intersection and the proposed access, would both operate at acceptable levels of service under stop sign controls. Likewise, the intersection of Telegraph Road and Rt. 113 would operate at a slightly lower level of service with slightly longer delays, however Mr. Zabowski believes it will continue to operate at what is considered an acceptable level of service. Mr. Gundlach recalls that the Supervisors had previously mentioned the possibility of the need for a traffic signal on Telegraph Road where the proposed Paige Trail Road would intersect, and asked if a traffic signal would be warranted at that location. Mr. Zabowski replied that it would not be warranted because the volumes would not be high enough to meet the State's criteria or warrants for traffic signal installation. As part of the applicant's traffic study, Supervisor Bennington asked if consideration was given to motorists traveling down Rt.

152 towards its currently congested intersection with Rt. 113, and the amount of traffic that may take advantage of the extension of Beverly Road to Paige Trail to Telegraph Road. Mr. Zabowski believes that option currently exists today through West Creamery Road, which is a more direct link than would be provided through the Hilltown Chase development. Further, observations show that volumes in terms of Creamery Road and Telegraph Road are relatively low today, and the traffic is not doing that under existing conditions. Mr. Zabowski would not expect traffic to divert through the site because there would be three streets utilized, including Audrey Lane, Beverly Road, and Paige Trail to Telegraph, which would not be a convenient or direct connection between the two streets. Supervisor Bennington disagreed, noting that it will become even more convenient once Heritage Building Group constructs their proposed development along Telegraph Road on the opposite side of Rt. 113. Discussion took place.

Supervisor Bender recused himself from the vote on the Hilltown Chase preliminary plan due to the issue of his seat on the Hilltown Authority; he did not want to be in the position of contradicting the Authority or himself.

Public Comment:

1. Mr. Garrett Bencker of Rt. 152, a Silverdale Borough resident, has conducted his own informal traffic study, and noted that at present, the traffic is beginning to make left turns onto Park Avenue and Wenger Avenue in Silverdale in order to avoid the traffic at the intersection of Rt. 152 and Rt. 113. Motorists are driving through these alternate routes at a very high rate of speed to get to Green Street to make the right turn and continue back out to Rt. 113. Mr. Bencker believes that the reason West Creamery Road is not used as a short cut is because the police station is located there, and the other reason might be because motorists traveling north on Rt. 152 from the village of Hilltown do not see the traffic back-up at the intersection until they enter Silverdale Borough.

2. Mr. John Thompson of 710 Telegraph Road is very concerned about the proposed location of the package treatment plant. Further, Mr. Thompson advised the speed of motorists on Telegraph Road will only be increased once the roadway is widened. Mr. Thompson will be a downhill neighbor of the Hilltown Chase development and is concerned as to what type of buffer and/or berm might be proposed between his property and the site, for visual protection, as well as increased run-off protection. Mr. Thompson also noted that the existing ponds on the site are already a lure for children in the neighborhood. With regard to the proposed streetlights for the development, Mr. Thompson believes the atmosphere of the neighborhood will be ruined with additional lighting.

3. Mr. John Burns of 621 Telegraph Road has heard many comments about the current residents of Beverly Road, but there does not seem to be much attention to paid to the current residents of Telegraph Road. The proposed Paige Drive will either exit the development onto Telegraph Road directly across the street from his home or directly across the street from his neighbor's home. Mr. Burns is concerned about the headlights that will shine directly into his home with people exiting the development. Mr. Burns noted that the traffic on Telegraph Road is increasing daily and will only get worse once a development is constructed. Mr. Burns believes the package treatment plant should be constructed within the interior of the new development, not along Telegraph Road.

4. Mrs. Kathy Pinzka of Audrey Lane feels that the impact of a through street to a new development would cause a dramatic increase in vehicular traffic, regardless of what has been stated by any study. According to the American Academy of Pediatrics, statistics show that of 100 motor vehicle accidents that result in fatalities, 20 out of 100 are pedestrians. The most common age to be struck and killed by a car as a pedestrian is age 6. Mrs. Pinzka has three young boys and she is very concerned for their welfare. She cited the recent tragedy at Rickert Road and Rt. 152, and noted that motorists are not paying full attention while they are driving. Mrs. Pinzka stated that the loss of one innocent child's life is one life too many, and asked if the Township is willing to take that risk. Mrs. Pinzka commented that the Elliot Building Group's property does not have frontage on Rt. 152, and therefore she feels that the proposed development should not have access to Rt. 152.

5. Mr. Bob Grasmeder of 20 Beverly Road asked if the traffic calming devices proposed by the developer will interfere with snow plowing procedures, and asked who would be responsible for upkeep and maintenance of those traffic calming devices should they be damaged during plowing. Mr. Wynn explained that patterned concrete, which is very strong, would be used for the traffic calming devices. The patterned concrete is being used more and more on State highways because it is actually stronger than the road surface.

With all the controversy involved with the Beverly Road cul-de-sac, Mr. Grasmeder asked why the developer is being permitted to have a cul-de-sac in their subdivision. The Elliot Building Group is proposing nothing more than the extension of the cul-de-sac of Beverly Road. Supervisor Bennington reminded Mr. Grasmeder that the Beverly Road cul-de-sac was a temporary stub street that was always contemplated for future extension.

With a 55-acre site, Mr. Grasmeder asked why new dwellings in the Hilltown Chase Subdivision must be so close to his property and the adjoining property. Mr. Wynn explained that there is a 50 ft. buffer requirement in the Ordinance, and the developer has

agreed to add evergreen plantings in the area to help buffer the new dwellings from the existing dwellings.

6. Mrs. Joan Grasmeder of 20 Beverly Road is opposed to the fact that the developers have their own stenographer transcribing this meeting, when it is already being recorded by the Township. Supervisor Bennington advised that it is legal for a developer or any individual to tape record meetings or have a stenographer present. The point Supervisor Bennington wished to make earlier was that the Supervisors should have been informed prior to the transcription by the developer's stenographer. Mr. Gundlach commented that the stenography started when discussion began on the Hilltown Chase plan only.

Mrs. Grasmeder is very concerned about the safety of the children along Beverly Road and Audrey Lane. Mrs. Grasmeder asked the Board to think carefully about their decision this evening and the consequences that will follow, because lives will be changed.

7. Mr. John Gillespie of 310 Moyer Road, who is the deputy chief of the Silverdale Fire Company, asked the width of the proposed roadway and if on-street parking will be permitted. Mr. Wynn replied that the width of the proposed road will be 32 ft. with parking permitted on one side of the street in accordance with the Township Ordinance.

8. Mr. Bill Rieser of 508 Telegraph Road asked if any effort has been made to analyze the sight distance for the access of Paige Drive onto Telegraph Road. There is a dip in the road that creates sight distance problems for Mr. Rieser when entering Telegraph Road from his driveway. Mr. Zabowski advised the traffic impact study did not address sight distances, however the engineer's plans have. The plans indicate that there is more than sufficient sight distance for the access onto Telegraph Road, based upon the speed limit, and PennDot and Township requirements. The sight distance is indicated on the plan profile sheet of Telegraph Road. Mr. Byrne explained that the required sight distance to the right of Paige Trail is 350 ft., and the actual sight distance available is 700 ft. The required sight distance to the left of Paige Trail is 440 ft., and the actual sight distance available is 1,000 ft. Mr. Rieser commented that it may be fine for motorists entering Telegraph Road from Paige Trail, however it will be extremely difficult for him to get out of his own driveway.

9. Mr. John Kachline of Mill Road, chairman of the Planning Commission, wished to comment on cul-de-sac streets in general. Mr. Kachline agreed that cul-de-sacs are frowned upon by the Planning Commission and in the Township Ordinances, yet the residents of Beverly Road paid \$5,000.00 extra to be on a cul-de-sac street. Developers charge a premium for a dwelling on a cul-de-sac street, yet in the Township's thinking, it

is a way to cut through to the next property for future development. Supervisor Bennington believes it was the Planning Commission's recommendation to extend the Beverly Road cul-de-sac, not to construct a loop road. Discussion took place. Supervisor Bennington was upset that the Planning Commission voted twice not to make a recommendation with regard to the Hilltown Chase Plan. Supervisor Bennington felt that it was unacceptable for the Planning Commission not to make a recommendation to the Supervisors on this plan. Mr. Kachline does not believe that he, as the chairman of the Planning Commission, should vote on any recommendation. Supervisor Bennington asked if Mr. Kachline participated in the motion by the Planning Commission not to vote on the Hilltown Chase plan. Mr. Kachline replied that he did not. Supervisor Bennington commented that the Planning Commission's job is to make a recommendation to the Board of Supervisors and he is annoyed that the Planning Commission did not do their job in this instance. Mr. Kachline believes Supervisor Bennington has a right to be annoyed, he is annoyed as well.

10. Mr. Dan Rieser of 508 Telegraph Road asked who will maintain the sidewalks that are proposed along Telegraph Road, and asked where the proposed bike path will lead to. Mr. Wynn explained that the sidewalk, cartway widening, curb, and storm drainage along Telegraph Road is a requirement of the original previously approved subdivision plan, which created the Hilltown Chase site. Discussion took place. The property owner along Telegraph will be responsible for the maintenance of the sidewalk, however Supervisor Bennington noted Hilltown Township does not have a sidewalk snow removal Ordinance in effect in this municipality. Supervisor Bender asked if the roadway requirements along Telegraph Road, such as sidewalks and road widening, will impact the existing mature trees. Mr. Wynn replied that the existing trees located within the right-of-way that was previously dedicated to the Township would have to be removed for road widening.

Mr. Rieser called on Chairman Bennett to observe the wishes of the residents present, and to vote in the direction of the wants of Township residents, not the wants of the developer.

11. Mrs. Valerie Blaxall of Rickert Road has lived in Hilltown Township for 40 years and the density proposed in the Hilltown Chase is what she is most upset with. Mrs. Blaxall believes there has been a lack of cooperation on the developer's part to determine some sort of viable solution that would propose less dwellings.

13. Mrs. Jean Bolger of Rt. 152 would like to see the current residents of Beverly Road maintain their current safe lifestyle.

14. Mrs. Joan Grasmeyer of Beverly Road is concerned about the validity of the traffic impact study, since it did not take into consideration the 350 dwellings proposed on Telegraph Road on the opposite side of Rt. 113.

Supervisor Bennington asked Mr. Groff and Mr. Kelso to once again tell him where they feel the optimum location for the package treatment plant should be. Mr. Kelso believes the optimum location for the package treatment plant for the Hilltown Chase Subdivision is within the open space, as he pointed out earlier, because it keeps the plant a reasonable distance from existing and future homes, it minimizes interference with any Authority activities for maintenance of the plant, and comes as close as it can to meet DEP guidelines for location of treatment plants.

If there is ever a question as to what is required on this site, Supervisor Bennington noted the proposal is located in the Rural Residential zoning district where the Township does not extend sewer lines without a change in zoning. The applicant has not requested a change in zoning and the Township has not offered a change in zoning, and therefore, a package treatment plant is required for this proposed subdivision.

This past Friday evening, an envelope was anonymously dropped off at Supervisor Bennington's home. Enclosed was a letter of intent from the Elliot Building Group, dated August 7, 1998, to Michael and Margaret Rieser. The reason Supervisor Bennington had asked the developer earlier whether they had ever anticipated or requested a zoning change for this property is one of the contingencies of the sale. Page two of this letter of intent states that the sale of the property would be subject to a zoning change to permit a higher density than its current zoning. This particular letter of intent was signed by Mr. John DiPasquale, the vice-president of the Elliot Building Group. Supervisor Bennington believes there is a question of why that contingency was included within a letter of intent for a property located in the Rural Residential property. Mr. Gundlach advised the letter of intent was for a separate property. Supervisor Bennington agreed, however he noted that the separate property is also zoned Rural Residential. Mr. Gundlach explained that Mr. DiPasquale sent out a number of those letters to other property owners, which he does on a regular basis. The letter Supervisor Bennington read is nothing more than a standard form letter of the Elliot Building Group, and the zoning characterization provision that the letter described is a standard provision that is customarily included in those letters. Mr. Gundlach feels that this information is not related to the subject property and is not pertinent to these proceedings, unless Supervisor Bennington has some evidence of a linkage between that letter of intent and the application being proposed this evening. Supervisor Bennington was merely curious since the letter was dated August 7, 1998, which was three months prior to the adoption of the RR Zoning Cluster Ordinance.

Supervisor Bennington wished to make it clear that if Chairman Bennett does not second his motion, and since Supervisor Bender will not be voting, there will be a deemed approval to the Hilltown Chase plan so that all the conditions as specified will not comply. There will still be a package plant required because it is currently shown on the plan.

Motion was made by Supervisor Bennington to deny the Hilltown Chase Subdivision based upon the incorrect placement of the package treatment plant on the site. There was no second to that motion.

Motion was made by Chairman Bennett to grant preliminary approval the Hilltown Chase Subdivision plant, with the stipulation that a connection to public sewer, instead of a package treatment plant, be required. There was no second to the motion.

Chairman Bennett believes an extension of public sewer should be provided to this property since the site is located so close to public sewer and because he is opposed to package treatment plants. Supervisor Bennington reminded Chairman Bennett that even a deemed approval will mean that a package treatment plant will be required. A lengthy discussion took place. Supervisor Bender explained that the reason he recused himself from voting on this plan is because he supported and documented the position of the Hilltown Authority regarding package plants in the RR District, and he did not want to get into the position of contradicting himself or the Authority because of the sewer issue. When Supervisor Bender was appointed to this position on the Board of Supervisors, he had dozens of residents speak to him about integrity and principles, things that they felt some municipal officials did not have. Therefore, Supervisor Bender will continue to recuse himself from voting on the Hilltown Chase plan, and hopes that Supervisors Bennington and Bennett will come to the right decision.

Motion was made by Supervisor Bennington to deny the Hilltown Chase Subdivision, based upon the proposed location of the package treatment plant. There was no second to the motion.

\*11:32PM – Chairman Bennett called for a recess in order to understand the legal options and ramifications involved with a possible deemed approval of this plan, with the Township Solicitor.

\*12:00Midnight – The regularly scheduled November 22, 1999 Hilltown Township Board of Supervisors meeting was reconvened.

Before making a motion again, Supervisor Bennington explained that every expert, including the Police Chief, Director of Public Works, and the Planning Commission have all recommended the extension of Beverly Road for the Hilltown Chase Subdivision.



Supervisor Bennington has been the only person in favor of a loop road, instead of the extension of Beverly Road.

Motion was made by Supervisor Bennington to deny the Hilltown Chase Subdivision preliminary plan, based upon the proposed location of the sewage treatment facility since it is not the optimum location per input from the Hilltown Authority's representative and engineer. Upon further consideration, Chairman Bennett agreed to second the motion.

Prior to the final vote, Mr. Gundlach wished to comment on behalf of the applicant for the Hilltown Chase Subdivision. Mr. Gundlach advised that the applicant has worked very diligently with this Township under very difficult circumstances. There was an Ordinance adopted, and the applicant reviewed that Ordinance with his consultants to prepare a plan in compliance with Ordinance #98-13. The applicant attended multiple meetings with the Planning Commission and the Board of Supervisors, and revised his plan accordingly with their directional comments, over and over again, to comply with the Ordinances at the time of plan submittal. Mr. Gundlach has never seen a plan come under the scrutiny and receive such public opposition, as this Hilltown Chase Subdivision plan has. Mr. Gundlach noted that this is a difficult decision for the Board of Supervisors, however he asked them to be fair and impartial, not just to the residents who live here now, but also to the current property owner who has rights under the law to develop his property, and to the future residents who will move into these homes. Mr. Gundlach acknowledged that no one wants new residential development in their neighborhood, and noted that the only people who aren't opposed, are the people who own the land and want to realize the profit from selling it. Mr. Gundlach implored the Board of Supervisors to not hold the applicant for the Hilltown Chase Subdivision to a higher standard than what is required in the Township Ordinances. Mr. Gundlach stated this applicant is not seeking re-zoning of the property, nor is he seeking variances or waivers. It is very rare that you see a plan of this scope that complies with every revision request. Further, the applicant has worked very hard to bring the plan into compliance and has spent substantial monies to do so. Finally, if the location of the sewage treatment plant concerns the Supervisors, Mr. Gundlach believes fairness would dictate that a motion is made to approve the plan, subject to an acceptable location of the proposed package treatment plant. If the location of the package treatment plant is the only stumbling block to approval, Mr. Gundlach asked Supervisor Bennington to revise his motion to make it conditioned upon an acceptable location for the package treatment plant at the recommendation of the Hilltown Authority and DEP. A lengthy dialogue took place between Mr. Gundlach and Supervisor Bennington. As an advocate for the developer, Solicitor Grabowski commented Mr. Gundlach can make his case and state his opinion, however he refused to allow Mr. Gundlach to cross-examine Supervisor Bennington or any other member of the Board of Supervisors.

Motion to deny the Hilltown Chase Subdivision plan, as last stated by Supervisor Bennington was passed. There was no public comment.

For the record, Mr. Gundlach asked Solicitor Grabowski to note the nature of the discussions held during the last recess between the parties involved. Solicitor Grabowski stated that he met with Supervisors Bender, Bennett, and Bennington, advising them to the ramifications as to what a deemed approval would be; they asked questions as to what that meant in terms of procedure and what the various steps would be; and he explained to the Supervisors what it would mean under the Municipalities Planning Code, as well as under case law. That was the sum and substance of the meeting, and Solicitor Grabowski noted that there was no deliberation and no decisions were made.

Mr. Gundlach would like to note for the record that there could be, although there has not been, requests from the applicant, notwithstanding that deemed approval, to agree to certain conditions such as the relocation of the package treatment plant, and to agree to all of the conditions in the review letter. Simply because there was a deemed approval imminent prior to the last vote, in Mr. Gundlach's opinion, it does not mean that the applicant would not have consented to certain conditions in further discussions. Mr. Gundlach is extremely disappointed with the decision made by the Board of Supervisors this evening. Chairman Bennett commented this is one of the most difficult decisions he has had to make as a member of the Board of Supervisors.

2. Hilltown Plaza Outparcels (Prel.) – The time period for action on this preliminary plan expires on December 19, 1999. The Planning Commission unanimously recommended denial of the plan unless an extension is received before December 19, 1999. Denial of the plan is based on non-compliance with Zoning Ordinance and Subdivision regulation requirements as noted in Mr. Wynn's engineering review dated September 28, 1999, and the Bucks County Planning Commission review dated October 8, 1999.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to deny the Hilltown Plaza Outparcel Plan based on non-compliance with Zoning and Subdivision regulation requirements as noted in Mr. Wynn's engineering review dated September 28, 1999, and the Bucks County Planning Commission review dated October 8, 1999, unless a written extension is received by December 19, 1999. There was no public comment.

3. Pileggi Land Development (Final) – The time for review of this plan expires on December 20, 1999. The Planning Commission unanimously approved a motion to recommend denial of the final plan due to non-compliance with requirements of the preliminary plan approval granted by the Board of Supervisors on July 26, 1999, unless an extension is received from the applicant not later than December 20, 1999.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to deny the Pileggi Land Development due to non-compliance with requirements of the preliminary plan approval granted by the Supervisors on July 26, 1999, pending receipt of a written extension by December 20, 1999. There was no public comment.

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

1. County Line Plaza Shopping Center – The Wilmington Trust Letter of Credit for this development expires on January 1, 2000. The \$13,000.00 remaining in escrow is for clean-up/replacement of landscape plantings and as-built plans. Mr. Wynn is seeking Board authorization to notify the applicant that unless an extension in the Letter of Credit is received to permit completion of the outstanding items when weather permits, the Township will find the County Line Shopping Center in default of the Financial Security/Land Development Agreements.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to authorize the Township Engineer to notify the applicant (County Line Shopping Center) that unless an extension of their Letter of Credit is received, the applicant will be found in default. There was no public comment.

J. MYLARS FOR SIGNATURE: None.

K. PUBLIC COMMENT:

1. Mrs. Jean Bolger of Rt. 152 thanked Chairman Bennett for reconsidering his vote on the Hilltown Chase plan, and for doing the right thing for Hilltown Township.

With regard to the denial of the Hilltown Chase plan, Supervisor Bender asked Solicitor Grabowski to clarify what happens when a plan has been rejected. Solicitor Grabowski replied that the developer will most likely meet with his legal counsel and his associates to make a determination as to whether or not they wish to file an appeal to Bucks County Court. Solicitor Grabowski anticipates that an appeal will probably be filed by this Friday, or next Monday, at the latest.

L. SUPERVISOR'S COMMENTS:

1. Supervisor Bennington recently attended the Calvary Church Open House and commented that it is a beautiful church and he appreciated being invited.

2. Today, Supervisor Bennington spoke to Mr. Joe McDonald, president of the Sellersville Fire Company, who advised that one fireman is still in very critical condition at Grandview Hospital, following the recent fire truck accident.

3. Supervisor Bennington presented a copy of the Upper Hanover Comprehensive Plan, which is a very thorough document that he would like the Planning Commission to review.

4. Supervisor Bennington asked Mr. Tom Kelso of Castle Valley Engineering, who was the contractor for the Zoning Ordinance update, to gather all the documentation his firm might have regarding the work completed as part of that Zoning Ordinance change in October of 1998, including meetings, phone calls, etc. and provide it to the Township Manager within the next two weeks.

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

N. ADJOURNMENT: Upon motion by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously, the November 22, 1999 Hilltown Township Board of Supervisor's meeting was adjourned at 12:27AM.

Respectfully submitted,



Lynda Seimes  
Township Secretary