

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, September 27, 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 7:30PM 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, Chief of Police

A. SWEARING IN CEREMONY – District Justice Gaffney was in attendance to swear in the Township's newest Police Officer, Mr. Timothy Michael Murphy. The Board of Supervisors congratulated Officer Murphy on his appointment and wished him well in his new position.

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY:

1. Ms. Sandra Seifert of Beverly Road read the following statement:
"We, the residents of Beverly and Audrey Roads are opposed to connecting Beverly Road to the proposed Hilltown Chase development. Although we are aware that the Planning Commission is generally opposed to cul-de-sacs, we feel we have some extenuating circumstances that would merit an exception in our case. We were the victims of an unintended Ordinance change. If it had not been for Ordinance #98-13, we would not be facing the prospect of having the traffic from 49 homes traveling through our neighborhood. Even though the Ordinance has been amended, we will have to live with its consequences. The residents of Beverly Road believe they purchased a home on a cul-de-sac. There is now a law to protect buyers from this type of deception. Once again, a problem was corrected after we were affected. We have been told that there are a number of traffic problems related to cul-de-sacs. In the thirteen years since the completion of these homes, no traffic mishaps have occurred. The fire truck has maneuvered the cul-de-sac without difficulty while delivering Santa on his yearly mission to visit the children. Service vehicles such as delivery trucks and moving vans have never had any problems. The Township snowplows have been able to do an excellent job. In short, the cul-de-sac is working. The residents of Beverly Road take ownership for the road, neighborhood and everyone's safety. If this road becomes a throughway, the possibilities for speeding and accidents increase as the volume of traffic increases and the drivers are less familiar with the neighborhood and its residents."

Ms. Seifert advised the above statement and accompanying petition was submitted to the Planning Commission and the Supervisors in June of 1999 and was read this evening to refresh everyone's memory.

2. Mr. Bill Rieser of 508 Telegraph Road urged the Board of Supervisors not to approve the preliminary plan for the Hilltown Chase Subdivision. He believes the damage this subdivision will do to so many abutting property owners will be very extreme. Mr. Rieser reminded those in attendance that the cul-de-sac street just mentioned by Ms. Seifert was expected to be extended at the time of that subdivision, though he does not believe that it was envisioned that such a great number of vehicles might be using that street should the cul-de-sac be extended. Mr. Rieser feels that the impact on the entire length of his property on Telegraph Road will be tremendous. Mr. Rieser believes the Elliot Building Group should be held to the original Zoning Ordinance requirements, prior to its revision in October of 1998, when the Cluster Ordinance was adopted.

With regard to the proposed preliminary plan for the Hilltown Chase Subdivision as it exists at present, Mr. Rieser wondered if the woods that abut his property will remain intact or if it will be destroyed. Discussion took place.

3. Mrs. Janice Stemler of 19 Beverly Road wished to point out that the petition read by Ms. Seifert was signed by residents of every home along both Beverly and Audrey Roads.

4. Mr. Bob Grasmeder of 20 Beverly Road has resigned himself to the fact that there will be development next to his side yard, however there are several points that he cannot come to grips with. When the revised Cluster Ordinance was adopted in October of 1998, a former Supervisor who voted on that Ordinance knew that it would give him financial gain, and in fact, the first plan to come before the Planning Commission following the Cluster Ordinance adoption was the Hilltown Chase plan, which that former Supervisor had an interest in. Mr. Grasmeder was suspicious of that former Supervisor and he questioned the legality of that vote, even though it was a unanimous vote. Mr. Grasmeder believes that one dissenting vote at that time could have made a difference to the other Supervisors. Mr. Grasmeder noted there was another hand involved in the adoption of the Cluster Ordinance in 1998, which he believes helped to push the exploding growth in Hilltown Township – the consulting group who helped write the new Ordinance. Mr. Grasmeder does not believe that consulting group did a very good job, since almost 1000 new dwellings have been proposed within the last several months. When asked directly by the Board of Supervisors if the new Ordinance would allow additional housing, Ms. Hutchinson of the Natural Lands Trust responded that it would not. In Mr. Grasmeder's opinion, Ms. Hutchinson and Castle Valley

Consultants should somehow be held accountable to the residents of Hilltown for lying to them, because the residents are the ones that will have to deal with this in the future.

With regard to the proposed extension of Beverly Road, Mr. Grasmeyer advised that with vehicles parked on the street, it essentially becomes a one-lane road. Add a pedestrian or a child on a bicycle, and there is potential for disaster. Add more traffic, and the risks increase greatly. Also, when a cul-de-sac is opened up, Mr. Grasmeyer noted there is then an alternate path for motorists attempting access to Rt. 152, not just the residents of the new development, but motorists from all over the area. Further, increasing the traffic can cause an increased risk for accidents.

Several Planning Commission members and at least one of the Supervisors admitted that the approval of the Ordinance that allowed several of the proposed developments to be built was a big mistake. Mr. Grasmeyer urged the Supervisors not to make the residents of Beverly and Audrey Roads pay for that mistake, and encouraged them to allow the cul-de-sac of Beverly Road to remain in tact.

5. Mr. John Thompson of 710 Telegraph Road is a relatively new resident to Hilltown Township, and recently purchased a property that borders the proposed Hilltown Chase Subdivision. Mr. Thompson is concerned with the developer's proposal to widen Telegraph Road, which is a rural, country road by nature, and which he believes will only create speeding problems. Further, the intersection of Rt. 113 and Telegraph Road is already a dangerous intersection. With the proposal for 49 more dwellings taking access on Telegraph Road, Mr. Thompson is concerned with the issue of safety. Another matter that disturbs Mr. Thompson is the proposal to construct the development's sewage treatment plant along Telegraph Road. Mr. Thompson feels the sewage treatment plant should be constructed internally within the development, not along Telegraph Road where it will affect existing residents.

6. Mr. Michael Senoyuit of 711 Telegraph Road owns the property next to the proposed Hilltown Chase Subdivision. Mr. Senoyuit believes it is a mistake to assume that the development is a forgone conclusion based on the Ordinance. The Statutory Construction Act of Pennsylvania states that you can interpret a statute in such a manner that would render it unreasonable. Clearly, Ordinances are meant to protect the public, not for the financial gain of private individuals. Interpreted properly, should this Ordinance allow such a development, Mr. Senoyuit would hope that was not the intent, and if that was not the intent, it cannot be enforced. Mr. Senoyuit believes it is a fatal, legal flaw if the Township's advisors are telling the Supervisors that Hilltown must allow the developers of the Hilltown Chase Subdivision to proceed because that is what the Ordinance says. Mr. Senoyuit commented the letter of the law is subject to interpretation of the Court of Common Pleas, the Commonwealth Court, and the Supreme Court of Pennsylvania. Mr. Senoyuit feels it is abundantly clear that the residents of Hilltown

Township do not want this development, and he hopes it was the intent of the elected officials to protect public interest, not personal interest, at the time they passed that Ordinance. If in fact it turns out otherwise, Mr. Senoyuit stated the question becomes whether or not that act should be null and void. Mr. Senoyuit suggested the Supervisors carefully review the Cluster Ordinance once again and give it a clear, legal analysis as to whether or not it truly binds the Township's hands.

C. APPROVAL OF MINUTES –Action on the minutes of the September 13, 1999 Supervisor's Worksession Meeting: Motion was made by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the September 13, 1999 Supervisor's Worksession meeting, as written. There was no public comment.

D. CONFIRMED APPOINTMENTS:

1. Pennridge Senior Center Request – Mr. Dean Souder, president of the Pennridge Senior Center Advisory Board, along with Ms. Nancy Keenan, fellow board member, were in attendance to present their request. After approximately 8 to 10 years, a location for the new Senior Center has finally been found on Rt. 113 in the Borough of Silverdale. The three-acre site is located east of the current Penn View Savings Bank at the corner of Rt. 113 and Rt. 152, between the bank and the Bolton Turkey Farm. The Senior Center is awaiting PennDot approval. Mr. Souder presented photographs of the proposed site for discussion. The proposed building will be approximately 12,000 sq. ft., including an assembly hall and total banquet facilities of approximately 250, adjoining offices and auxiliary services, and a large kitchen area. There is an elevator proposed for handicapped use. The current location of the Pennridge Senior Center on 8th Street in Perkasio provides for very limited handicapped access and numerous parking restraints. Mr. Souder advised parking for approximately 85 and 90 vehicles with handicapped access is proposed at the new facility.

Mr. Souder explained there is an interested buyer for the existing Senior Center, and the Center has also been able to secure approximately \$300,000.00 from funding efforts. The Center has applied for a grant in the amount \$250,000.00, which is currently under review by the Department of Aging in Harrisburg. There are nine municipalities in the Pennridge area that serve the Center, and the reason Mr. Souder is present this evening is to seek the Board's consideration for donations in the equivalent of a 1 mill contribution over a three year period per municipality. If all nine municipalities participate at the suggested rate of donation, Mr. Souder believes it will represent additional funding in the amount of approximately \$300,000.00, which would provide for 65% to 70% of the total funding required. At that point, the Center would break ground and similar to other projects in the area, would secure bank financing to continue with construction. The total budgeted number is in excess of \$1.4 million dollars.

Mrs. Keenan provided a packet of information to each Pennridge municipality last week, basically addressing the human services side of the Pennridge Senior Center. Mrs. Keenan noted the Pennridge Senior Center has been designated by the State and Federal Government as the point of service for the Pennridge School District. This means that any programs, such as the "Hot Noon Meal" program, or any other lottery funded or Federally mandated programs are delivered through the Pennridge Senior Center. As Federal funding has decreased, Mrs. Keenan noted more funding must be requested from local municipalities and private sources. Whatever grant monies may be available have been researched and pursued by the Senior Center. Following the funding quest with area municipalities, Mrs. Keenan plans to approach other groups, businesses, churches and organizations in the community. Mrs. Keenan advised this request for funding from Hilltown Township does not necessarily have to be cash funds, for instance extending a service such as extending a paving contract, would certainly be greatly appreciated.

Supervisor Bennington believes this is a great project, but noted that one mill of tax in Hilltown Township is equivalent to \$38,000.00, which is a bit more than some of the other Pennridge municipalities. Mrs. Keenan commented it is approximately \$6.80 per real estate parcel in the Pennridge District, which is the median real estate parcel. Possibly Hilltown's parcels are above-median parcels that will be at a higher rate per parcel than it is in some of the other municipalities. Mrs. Keenan realizes that each municipality is different in their needs and in the funding that they are anticipated to make in their own individual communities, which the Pennridge Senior Center certainly understands. Mrs. Keenan is asking for Hilltown's consideration, and whatever Hilltown Township can contribute, the Pennridge Senior Center would greatly appreciate. Discussion took place.

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

1. Even though the agenda stated that there were no mylars for signature, Mr. Horrocks noted mylars for Our Lady of Sacred Heart Church were received this afternoon. Mr. Horrocks explained that there is an established policy in Hilltown, that prior to the recordation of the plan, building permits are not to be issued. Knowing that the church is in a rush for their building permit, Mr. Horrocks asked if the Board would consider making a motion that, in this particular case, if all aspects from the Solicitor and the Engineer's office have been met, the permit for Sacred Heart be issued pending recordation of the plan. If he is not mistaken, Supervisor Bennington believes the same request was honored for Calvary Church several years ago. Mr. Wynn agreed.

Motion was made by Supervisor Bennington, seconded by Mr. Bender, and carried unanimously to issue the building permit for Our Lady of Sacred Heart, prior to plan recordation, as noted above. There was no public comment.

F. CORRESPONDENCE: None.

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

1. Solicitor Grabowski presented Subdivision Agreement, Street Light Petition, and Declaration of Easement for the Lynrose Estates Subdivision, located on the north side of Mill Road, near its intersection with Keystone Drive. This is a 13-lot subdivision that received final plan approval many months ago. A Letter of Credit has been established by the developer with Union National Bank to guarantee the escrow for the required improvements in the amount of \$502,144.63.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to accept the Subdivision Agreement and the Financial Security Agreement for the Lynrose Estates Subdivision. There was no public comment.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to **adopt Resolution #99-29 to accept the Street Light Petition for Lynrose Estates.** There was no public comment.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to **adopt Resolution #99-30 to accept the Declaration of Easement of Mill Road for the Lynrose Estates Subdivision.** There was no public comment.

2. Solicitor Grabowski presented the agreement for the Individual Spray Irrigation System (IRSYS) for the Balco Subdivision. The PADEP and the Bucks County Department of Health requires that a maintenance agreement be entered into with the Township by which an amount of money is held in escrow by the Township to guarantee that the system is maintained and kept in good repair and order. The amount of \$2,500.00 has been escrowed with the Township.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to accept the Balco IRSIS Agreement, as noted above. There was no public comment.

3. Solicitor Grabowski presented the appropriate Financial Security Agreement and Land Development Agreements for the Our Lady of Sacred Heart Land Development.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to accept the Our Lady of Sacred Heart Land Development Financial Security and Land Development Agreements. There was no public comment.

4. In 1994, the Township refinanced outstanding debt by use of a Bond Issue in the amount of \$2,400,000.00. Since that time, the Township has reduced that figure to a bit less than \$2.2 million dollars. The rates have dropped and the Board met with a financial advisor approximately two weeks ago to consider refinancing the existing debt by way of another Bond Issue, or possibly through bank financing. Proposals from approximately five or six commercial banks were received by the financial advisor. At the time, it appeared that it might be appropriate for the Township to refinance by way of a new Bond Issue, however Solicitor Grabowski noted the Supervisors might want to consider borrowing additional funds within the next several years for other purposes. With that in mind, Solicitor Grabowski recommended the Board consider refinancing the existing debt by way of a bank in order to reduce the interest rate by approximately ½%, which would give immediate savings to the Township. This would provide the Township with the opportunity to either remain with bank financing for the next several years, or to borrow additional funds either next year or in future years for other purposes when all of the financing could be combined to one obligation at that point. Based upon financial recommendations, Solicitor Grabowski stated it would be appropriate to consider a short-term loan. The banks involved presented their proposals, and Union National Bank provided the best proposal of those solicited for a loan in the amount of not more than \$2,200,000.00 to finance the existing debt at an interest rate of 4.85% per year. It is critical that if a decision is made, it be done quickly because with the interest rates and the bond rates fluctuating on a daily basis, the bank can only hold its commitment until November 16, 1999. Solicitor Grabowski explained the procedure involved includes the advertisement of an Ordinance to authorize the debt, which must be advertised both prior to the Ordinance being considered for adoption, and again following adoption. The documents must then be forwarded to Harrisburg to the Department of Community Affairs for their approval. The Department of Community Affairs can take up to a minimum of 15 days for review.

Supervisor Bennington asked if the refinancing would have any affect on a referendum in the year 2000 for open space where a Bond Issue would be required. Solicitor Grabowski replied that it would not. The initial discussion was to simply refinance the old debt by way of a Bond Issue. When a Bond Issue is done, there are a great deal of costs involved, including printing, bond rating fees, and bond insurance premiums. Even though the rate might be better on a bond, there are a number of upfront costs involved. If the Supervisors feel that there is any possibility that the Township might borrow money either next year or in the next two years, Solicitor Grabowski does not recommend a Bond Issue now. Supervisor Bennington asked what type of costs are involved with refinancing through a bank. Solicitor Grabowski replied the cost is most likely 1/5th of what the normal cost would be for a Bond Issue. The term of the loan would be a fixed rate at 4.85% for five years, and thereafter, 60% of the bank prime interest rate with a floor of 4% and a ceiling of 8%. If the Bond Issue for open space was passed next year, Supervisor Bennington asked if the open space bond would be combined with enough

money to refinance the Bond Issue of this bond through the one-year bank loan. Assuming the Township makes a decision to borrow new money in June or July of 2000, Solicitor Grabowski explained that whatever the interest rates are at that time would be compared to what is being paid on this loan.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to authorize the Township Solicitor to prepare and advertise the appropriate Ordinance for refinancing the Bond for possible adoption at the October 11, 1999 Worksession meeting. There was no public comment.

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

1. Mr. Tom Brophy – Land Development Waiver Request (Pole Building) –
The applicant is seeking a waiver of land development submission requirements for use of a newly constructed 34 ft. by 56 ft. pole building located within the Planned Commercial-2 Zoning District on Rt. 313 south of Broad Street. The applicant advised that the building will be used for small equipment repair and contains no bathroom facilities. Bathroom facilities are located within a dwelling on the same property. Additionally, there is no proposed outdoor storage. The Planning Commission unanimously recommended waiver of land development submission, but noted that the proposed new stone parking area shown on the plot plan provides only a 5 ft. setback from the property line. In accordance with Land Development Regulations, no parking may be installed within 15 ft. of the property boundary. Mr. Brophy indicated he would revise the parking area accordingly. However, after discussion with Mr. Lippincott, Zoning Officer, the proposal does not appear to meet Zoning Ordinance requirements and may require Zoning Hearing Board approval. Section 400 states “Only one (1) principal use shall be permitted on any property, parcel, lot or tract of land located in the PC-2 District.” Currently, a single-family dwelling is located on the site.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to grant waiver of land development to Mr. Tom Brophy, as noted above. There was no public comment.

2. Ms. Beverly Curtin – Longleaf II Subdivision (Final) – The final plan for the Longleaf II Subdivision was unanimously recommended for approval by the Planning Commission subject to completion of all outstanding requirements as contained within the July 7, 1999 engineering review.

Ms. Curtin was in attendance to seek direction from the Board with regard to some of the issues in Mr. Wynn’s July 7th review. Item #1 of that review states “As part of preliminary plan approval, the Township agreed to accept ownership of open space areas

"A,B,D, & E," totaling 27.29 acres. Open Space "C" (1.76 acres) is located to the rear of the lots within the "loop" portion of Longleaf Drive, and is proposed as deed restricted open space maintained as lawn by the individual lot owners. The Township must determine the acceptability of the privately owned/deed restricted open space area "C." Additional landscaping has been proposed within open space area "C" as discussed during the preliminary plan review. Note #17 included on sheet 5 indicates that the open space must be maintained as lawn and is restricted from construction of structures, swing sets, fences, etc." Mr. Wynn advised the issue of deed restricted open space (Open Space "C") was approved by a 6:1 vote of the Planning Commission during the preliminary plan stage. During the Supervisors review of the preliminary plan, they decided to delay a decision until final plan approval. Mr. Wynn explained that what is different on this plan from the preliminary plan is that buffer trees have been added to define the rear of those yards.

Ms. Curtin advised there is a sanitary sewer easement and the understanding of a proposed walking path, should the Township ever determine that they wanted one, through the open space. At present, that proposed walking path is shown crossing Mr. Jager's property since it has access to Diamond Street. The developer had asked that the proposed walking path cross Mr. Jager's property 125 ft. closer to Longleaf Drive. The way the proposed walking path is shown on the plan is the way the Supervisors approved it, however Ms. Curtin is seeking consideration for Mr. Jager that the walking path access be provided around the other portion of his property. Supervisor Bennington asked what the Planning Commission's recommendation was, and Mr. Wynn replied that the Planning Commission weren't actually asked the question concerning relocating the proposed walking trail. Supervisor Bennington was not agreeable to consider relocating the proposed walking trail since the Planning Commission did not have the opportunity to review this request. Ms. Curtin withdrew her request.

With respect to the July 7, 1999 engineering review, Mr. Wynn advised the additional following comments:

- Item 3 in the review discusses the applicant's request to contribute a fee in-lieu-of installation of play fields, tot lots, landscaping, etc. within open space "A." Mr. Wynn has been advised that the Park and Recreation Board recommended acceptance of a fee in-lieu-of for this project. The applicant has offered \$15,000.00.

Supervisor Bennington asked if the applicant would consider a donation of \$30,000.00, since the construction of tot lots and accompanying equipment is quite expensive. Ms. Curtin believes that \$15,000.00 was escrowed for the construction of the Longleaf I Subdivision. Solicitor Grabowski commented that the amount escrowed for Longleaf I was probably based upon a determination by the design engineer and reviewed by the

Township Engineer to be the amount appropriate for that phase of the development. Since this is a different phase of the development, Solicitor Grabowski feels that an opinion of cost should be submitted by the applicant to be reviewed by the Township. The applicant was agreeable to this suggestion, as were the Supervisors.

- In addition to "No Parking," "Stop" signs, etc., Mr. Buzby, Director of Public Works, has requested that developers be required to install "25 M.P.H." speed limit signs within all high-density developments. The applicant was agreeable.
- The applicant has indicated that they will propose phasing the development and will provide a phasing plan subject to Township approval. Phasing is necessary since 65 EDUs are available, while 80 lots are proposed by the development.

Discussion took place concerning the process involved with transferring EDUs from one property to another. Supervisor Bennington was very concerned with the proposal for the C.D. Moyer property – either for the proposed farmer's market or the proposed residential development.

- Open space "A" adjoins the open space within Longleaf I proposed for active recreation for both developments. The proposed recreational open space within Phase I has not been fine graded, seeded, and established in lawn as required by the plan, but rather is being utilized for fill/topsoil stockpile and construction trailers and equipment. Since a number of homes in Longleaf I are now occupied with a significant number to be completed by the Spring of 2000, the recreational area in Phase I should be completed no later than June of 2000. As a condition of the current plan, the phasing plan should identify the relocation of equipment trailers and storage. Since a number of lots will not be included in Phase I, equipment storage should be on future lots and not within open space areas. Additionally, completion of the open space area within Phase I and open space area "A" (with exception of the temporary soil stockpile shown on the erosion and sedimentation control plan) should be required no later than Spring of 2000.

Supervisor Bennington asked if the applicant intends to place another construction trailer in the Longleaf II open space during Phase II construction. Ms. Curtin presumes that the construction trailers currently located in the open space area of Phase I will be moved to the open space areas as proposed in Phase II, since Longleaf I is almost complete. Mr. Wynn suggested that any construction trailers involved with Phase II of the Longleaf Subdivision be placed on lots that are not being developed during the first portion of

Phase II construction, rather than in the open space areas. Also, Mr. Wynn believes that a time frame should be established, such as June 1, 2000, for the open space area in Phase I to be completely seeded, graded, and established in lawn as shown on the plan. If it is feasible, and if the Bucks Conservation District is agreeable, Ms. Curtin does not believe it would be a problem to meet this request.

Mr. Horrocks asked if the Planning Commission suggested a donation to the servicing fire company. Ms. Curtin replied that they did not.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to grant final plan approval to the Longleaf II Subdivision, pending completion of all outstanding items as noted in Mr. Wynn's engineering review dated July 7, 1999; with the following additional stipulations: that the amount of the fee-in-lieu-of recreational facilities are to be determined by the Township at a later date; that "No Parking," "Stop" signs and "Speed Limit" signs will be installed by the developer at their expense; and that the construction trailers currently located in the open space area of Phase I will be relocated to lots that are not being immediately developed in Phase II by June 1, 2000. There was no public comment.

3. Mr. Robert Gundlach - Hilltown Chase Subdivision (Prel.) - This preliminary plan was recommended for approval by Mr. Rice and seconded by Mr. Fox of the Planning Commission, subject to conditions of the September 13, 1999 engineering review. The motion, however, failed to receive a majority vote of members present (vote:3-2-1). Mr. Kachline and Mrs. Snyder voted against the motion to approve. Mr. Kachline indicated he cannot support the plan as there should be a transition from higher density to rural and in his opinion, that the plan is not a cluster. Mr. Coyne abstained. There was no other motion and the plan is on the Board's agenda this evening without a recommendation from the Planning Commission. Based on the current extension granted by the applicant, action is required by the Board of Supervisors no later than September 30, 1999.

Mr. Robert Gundlach, the applicant's attorney, along with Mr. John DiPasquale of the Elliot Building Group, Mr. Larry Byrne, the applicant's engineer, and Mr. Frank Zabowski, traffic consultant for the applicant, were in attendance to present the plan.

Most recently, the applicant has been before the Planning Commission to address a revised set of preliminary plans, which were submitted and have been reviewed by the Township Engineer. The most recent review letter of September 13, 1999 was discussed at the Planning Commission meeting, and the applicant has agreed to comply with the items contained in that letter. There were two points of clarification discussed at the Planning Commission meeting, concerning the area of open space and the actual configuration, as well as a recommendation for additional buffer plantings behind the two

homes that will border the Beverly Road development. Further, discussion had taken place concerning traffic calming devices as recommended by Mr. Wynn.

Supervisor Bennington was disappointed that the developer did not provide a traffic study for the site, as requested in July. Therefore, Supervisor Bennington requested that the developer provide a 120-day extension for further review. If the extension is not granted, Supervisor Bennington intends to make a motion to deny the plan due to non-compliance. Mr. Gundlach explained that a preliminary traffic study was submitted to the Township dated March 12, 1999, which has been updated and can be submitted along with testimony by Mr. Zambowski to confirm that the study is accurate. Supervisor Bennington asked if the study addresses the Rt. 113/Telegraph Road intersection, the Audrey Lane/Rt. 152 intersection, and the Rt. 113/Rt. 152 intersection, as well as the option of a loop road on Telegraph Road as opposed to the extension of Beverly Road. Mr. Gundlach believes that all those items are addressed in the study, and the study will be submitted to the Board this evening. That was unacceptable to Supervisor Bennington and he noted that the Board will not accept the traffic study this evening. Normal procedure is for plans and reports to be submitted prior to the meeting for review by the Township Engineer and Township Traffic Engineer. Mr. Gundlach asked if Mr. Zambowski would be permitted to present a brief update of the information contained in the March 12, 1999 letter with regard to traffic issues concerning the Hilltown Chase plan. If there was an update to the traffic study since the March 12, 1999 letter, Supervisor Bender believes it should have been included for submission with the revised plans, and Chairman Bennett agreed. Mr. Gundlach explained that the additional information was consistent with the prior letter and the applicant did not feel it was necessary, given the size of the project. If the Supervisors feel that an extension for further review of this documentation is required, Mr. Gundlach is willing to move forward in that regard. Supervisor Bennington feels it is unfair for the applicant to ask the Supervisors to review their revised plan, without the benefit of a review from the Township Traffic Engineer. Mr. Gundlach has no objection to a reasonable extension period to allow a consultant to review the plan and supply comments, however he believes Supervisor Bennington's request for a 120-day extension is excessive, particularly when the M.P.C.'s Ordinance only contemplates 90-days for an original preliminary plan submission. If Mr. Gundlach is confident that this traffic study is fully completed and meets all the requirements for a complete report, Solicitor Grabowski noted a 90-day extension would be sufficient. However, if the Township's Traffic Engineer determines that the report is not complete, the 120-day extension suggested by Supervisor Bennington would be appropriate. Mr. Gundlach would agree to a 45-day extension, and if it appears that it is not enough time, he will certainly accommodate the Township with additional requests for another extension. Supervisor Bennington reminded Mr. Gundlach that time must be allowed to accommodate review by the Planning Commission, as well. At a minimum, Mr. Wynn suggested that the applicant grant an extension until the end of November. Further, Mr. Wynn pointed out that the

Township, in at least a decade, has never accepted any plans or documents at either a Planning Commission or Board of Supervisors meeting. The six copies of the required Traffic Impact Study should be submitted to the Township Secretary during normal business hours. On behalf of the applicant, Mr. Gundlach agreed to an extension until November 30, 1999, but asked that in the interim, they be permitted to proceed to the Township Authority to begin discussions about water and sewer issues. Normally, Solicitor Grabowski noted, the Hilltown Authority does not discuss water and sewer issues until the plan has preliminary plan approval; however he does not see a problem with it. Mr. Gundlach presented a written extension for further review of the Hilltown Chase Subdivision until November 30, 1999.

Discussion took place concerning the proposed sewer plant, which has been designated to a lot fronting on Telegraph Road. Supervisor Bennington questioned the proposed location, and asked if it could be moved to an interior lot. Mr. Byrne explained the proposed site was chosen because it is the low point of the site and because it would be accessible in the event the plant is dedicated to the Hilltown Authority. Mr. Wynn noted the sewage treatment plant will be totally surrounded and buffered by evergreens.

In addition to the conditions of the September 13, 1999 engineering review, Mr. Wynn offered the additional comments regarding the current subdivision application:

- Item #5 discusses the long thin strips of proposed open space along the lots adjacent to the Hilldale Subdivision (Beverly Road). The Planning Commission unanimously approved a motion to permit this area to be included within the required open space area to act as a buffer for residents along Beverly Road. An evergreen buffer must be added along Lots #1 and #49 within this open space area. Mr. Gundlach, representing the applicant, indicated that they would agree to add the buffer plantings.
- The open space area is offered for dedication to the Township. In the event the Township agrees to accept the open space, contributions are required for the two stormwater management basins in the amount of \$20,662.00. The amount is calculated based upon requirements of Section 516.6.N of the Subdivision Ordinance. Additionally, Mr. Wynn recommended that if the basins are accepted by the Township, the basins should be revised to constructed wetlands to reduce the level of maintenance required by the Township and to improve water quality. Additionally, the plans should clearly indicate what portions of the open space will be maintained as lawn and what portions of the open space is to be maintained as meadow. Open space areas to be maintained as lawn must be seeded as such by the developer and open space to be main-

tained as meadow, must be established as meadow by the developer. Finally, Mr. Wynn feels a condition should be imposed that the developer must eradicate all multi-flora rose that may exist within any open space to be dedicated to the Township. Multi-flora rose is a noxious weed, which creates maintenance problems within open space areas.

- The plan identifies a sewage treatment plant, which is offered for dedication to the Hilltown Water and Sewer Authority. Mr. Wynn believes a condition of approval should include a requirement that the sanitary sewage treatment for this site is via construction of a treatment plant subject to review and approval by the Hilltown Water and Sewer Authority, and dedication to the Authority.
- Item #8-D of the engineering review discusses traffic calming techniques. The developer is opposed to installation of traffic calming techniques and proposes only to provide painted pedestrian crossings at two mid-block crosswalks. The Planning Commission unanimously approved a motion to require traffic calming techniques in a manner acceptable to the Township. At a minimum, Mr. Wynn believes the traffic calming at these locations should include installation of a pedestrian crosswalk that uses an alternate material rather than bituminous paving. The material could be patterned concrete to identify the crosswalk in addition to pedestrian crosswalk signage. Mr. Wynn discussed calming techniques with Mr. Buzby who would like more information regarding road narrowing and elevation changes before endorsing those types of calming techniques. At this point, in the event the plan receives conditional approval or denial, Mr. Wynn commented a condition should be included that requires traffic-calming at the two pedestrian crossings, subject to approval by the Township during the final plan stage.
- Item #15 within the engineering review notes that streetlights are proposed with an average spacing of 210 feet. This is in conformance with Subdivision Ordinance requirements but will result in a substantial amount of lighting along the street. Mr. Wynn advised any condition of approval or denial should provide that the number and street light locations be resolved with the Township during the final plan stage.
- Mr. Wynn recommended that a requirement be imposed on the developer for the installation of "25 M.P.H." speed limit signs on the proposed public streets.

4. Mr. Scot Semisch – Pileggi Land Development (Final) – The final plan for this land development is currently under review by the Planning Commission. At their meeting held on September 20, 1999, the Planning Commission did not recommend plan approval, however, approved a motion requesting the Board of Supervisors to authorize the Township Solicitor to prepare the necessary land development agreements. Currently, street improvements along Rt. 313 are under review by PennDot. Mr. Semisch has requested that the development agreements be prepared at this time so that the project could proceed once the other outstanding conditions have been accomplished and final plan approval is received.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to authorize the Township Solicitor to begin the preparation of development agreements for the Pileggi Land Development, as noted above. There was no public comment.

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

1. Act 537 Plan – Mr. Wynn is seeking Board authorization to advertise the 30-day comment period for the Act 537 Plan, which would begin next week and end on November 4, 1999; and to advertise for a Public Hearing for the possible adoption of the Act 537 Plan at the Supervisor's meeting of November 22, 1999.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to authorize the advertisement of the 30-day comment period for the proposed Act 537 Plan, which would end on November 4, 1999; and to advertise for the Public Hearing for the possible adoption of the Act 537 Plan at the Supervisor's meeting of November 22, 1999. There was no public comment.

Mr. Wynn explained that the Bucks County Planning Commission's review suggested that Hilltown's Act 537 Plan be sent to all neighboring municipalities, the Pennridge Area Coordinating Committee, all neighboring Authorities, P.W.T.A., and the Bucks County Health Department. Because these documents are voluminous and quite costly to produce, Mr. Wynn suggested that P.W.T.A. and all neighboring municipalities are welcome to review the copies available at the Township Building, and that copies be sent only to those Authorities who service the Township and who are mentioned in the Plan, such as the Hilltown Authority, Telford Borough Authority, P.B.A., Hatfield Authority, and Sellersville Authority.

Mr. Wynn is seeking Board authorization to prepare a Holding Tank Ordinance update for the Supervisor's consideration and possible adoption at the November 22, 1999 meeting. The current Holding Tank Ordinance is no longer in compliance with the

Sewage Facilities Act in that the Ordinance only provides for 400 gallons per day, not 800 gallons per day, which is the specification in the Act at this time.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to authorize preparation and advertisement of a revised Holding Tank Ordinance for consideration and possible adoption at the November 22, 1999 Board of Supervisor's Meeting. There was no public comment.

Since the Board does not yet have a recommendation from the Planning Commission concerning the draft Act 537 Plan at this time, Mr. Wynn advised this issue will be before the Planning Commission at their next meeting.

J. MYLARS FOR SIGNATURE: Our Lady of Sacred Heart

K. PUBLIC COMMENT:

1. Due to the construction on Rt. 309, Mr. Charles Kulesza of Diamond Street noticed that a great deal of traffic has inundated the parallel roads such as Diamond, Callowhill, and Green Street. Mr. Kulesza contacted Hilltown Police several times, asking that they provide more police presence on those streets for effective speed control. Mr. Kulesza stated that the Police Department is doing as good a job as they can, however he believes they are understaffed at the present time. Mr. Kulesza asked if the Board of Supervisors would consider authorizing police overtime for additional patrols on Diamond Street, Callowhill Road, and Green Street. Discussion took place.

With regard to the recently purchased 58-acres of open space, Mr. Kulesza is aware that a request from Deep Run Sports Association has been made for athletic field use of the site. If the property is currently being used as farmland, Mr. Kulesza believes it should remain in that use to preserve the rural character of Hilltown Township. Discussion took place.

Mr. Kulesza supports the request for funds from the Pennridge Senior Center.

2. Mr. Bob Grasmeder of Beverly Road thanked Supervisor Bennington for his support during discussion of the proposed Hilltown Chase Subdivision.

With regard to the issue of streetlights, Mr. Grasmeder noted that Beverly Road contains no streetlights at present, and the residents prefer it that way. If there is a change in the requirements for streetlights for the Hilltown Chase Subdivision, Mr. Grasmeder encouraged the Supervisors to move the streetlights away from the Beverly Road area.

In the past, the developer of Hilltown Chase presented plans for a loop road with access to Telegraph Road, with larger lots and fewer homes. Mr. Grasmeder felt that plan

seemed to be more agreeable to the residents of Beverly Road and questioned its status. Mr. Grasmeyer requested the Board's assistance in encouraging the developer to consider the loop road concept as opposed to the extension of Beverly Road.

3. Ms. Janice Stemler of Beverly Road supports Mr. Wynn's suggestion of revising the two stormwater basins in the Hilltown Chase Subdivision to constructed wetlands in order to reduce the level of maintenance required by the Township and to improve water quality. Mr. Wynn explained that once the additional Stormwater Management Ordinances are adopted in the Township and throughout Bucks County, this concept will become a requirement.

4. Solicitor Grabowski noted the applicant for the Hilltown Chase Subdivision has granted a written extension for plan review until November 30, 1999.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to accept the extension for the Hilltown Chase Subdivision, until November 30, 1999. There was no public comment.

5. Mr. Ed Seigfried of Telegraph Road has been a Hilltown resident for 30 years and wanted to know why a sewer plant is being constructed across the street from his home in the proposed Hilltown Chase Subdivision. Mr. Seigfried suggested the proposed sewer plant be moved into the center of the development so that it will have the least effect on the existing residents of Hilltown Township. Supervisor Bennington commented that is why he asked the Water and Sewer Authority to review that plan.

Mr. Seigfried asked where the homes in the Hilltown Chase Subdivision will obtain their water supply. Mr. Wynn replied water for the Hilltown Chase Subdivision will be supplied via public water from the Hilltown Authority. Mr. Seigfried's well was considered deep when he moved here 30 years ago, however after construction of the public wells on Rt. 152, his well ran dry. If the residents of Telegraph Road and the surrounding area experience water problems and if the water table levels drop due to the public water connection of 49 dwellings for the Hilltown Chase Subdivision, Mr. Seigfried assured the Board that he will sue for loss of water.

6. In reference to the Elliot Group proposal, Mr. Tony DiPasquale of Telegraph Road would like to reiterate a point mentioned earlier this evening. The number of homes proposed in the Hilltown Chase development is not in accordance with the current Ordinance, and despite it's wording, is not in accordance with the intent of the Ordinance that was briefly approved. Mr. DiPasquale felt the Township should not be bullied by the Elliot Group into accepting something that they know is wrong. Mr. DiPasquale encouraged the Supervisors to do the right thing by denying the proposal, and if the applicant wants that many homes on that amount of ground, let the Elliot Group sue the Township. Let a judge decide whether the intent of that Ordinance that was only in

effect for such a brief period of time overrides the wording that was used. Mr. DiPasquale urged the Board to change their protocol and to fight the developers on this issue.

7. Mr. John Thompson of 710 Telegraph Road recently constructed an underground detention basin on a property he owns in Doylestown, which works very well and is totally inconspicuous, composed of approximately 4 ft. diameter pipe that runs the entire length of his property. The location of the proposed basins in Hilltown Chase abut Mr. Thompson's property directly and will not permit any room for a natural buffer. At present, a natural buffer exists approximately 20 ft. from Mr. Thompson's property line, however he believes the developer will remove that. Mr. Thompson wondered what type of buffer is proposed around the entire development and the detention basins as well. Mr. Wynn invited Mr. Thompson to review the proposed landscaping plan for the Hilltown Chase Subdivision, which is available at the Township office.

8. Mrs. Betty Snyder of Mill Road who is also a member of the Planning Commission, was very upset with Mr. Gundlach, legal counsel for the Elliot Building Group. When the developer was before the Planning Commission last week, Mrs. Snyder noted the issue of sewer appeared to be settled and was determined to be a package treatment plant. However this evening, Mr. Gundlach spoke as though the issue of sewer was still open and as though public sewer was still an option. Mrs. Snyder felt it was a very slimy maneuver on Mr. Gundlach's part and she was unhappy with the presentation.

9. Mr. Garrett Bencker of 2 Audrey Lane is a resident of Silverdale Borough who would be directly affected by the Hilltown Chase Subdivision. Mr. Bencker has been present at several previous meetings expressing his concerns about traffic and roadways. Mr. Bencker believes there should be some sort of comprehensive study of all the roadways in the Township because the infrastructure of Hilltown Township cannot handle the onslaught of homes that are proposed. Mr. Bencker believes nothing proves this more than the carnage experienced this summer, with four fatal accidents. Many of the people who will purchase new dwellings in Hilltown are not upgrading from existing homes, rather they are coming from other heavily populated areas of the state. Mr. Bencker has great concerns about speed and the increase of vehicles due to increasing development. Supervisor Bennington agreed and suggested that PennDot be notified in writing asking them to provide documentation advising of what they intend to do with regard to a comprehensive review of all the State roads within Hilltown Township.

10. Mrs. Alicc Kachline of Mill Road suggested that four-way stop signs be erected at several dangerous intersections on such roads as Diamond Street and Green Street. Mrs. Kachline has been told, however, that four-way stop signs are illegal, even though there are four-way stop signs presently in the Township. Mr. Horrocks

commented that four-way stop signs are not illegal according to PennDot, rather they cannot be used to control speed. Mr. Wynn noted there are certain warrants that must be met prior to the installation of four-way stops. Chairman Bennett advised that Chief Trauger has been instrumental in the push to reinstitute driver's education in the Pennridge School District. Chief Trauger is very upset with the number of accidents, four of the them fatal, that have taken place in the Township this year.

L. SUPERVISOR'S COMMENTS:

1. When Supervisor Bender was appointed to the Board in May, he announced that because of some documentation he had prepared for other Township boards regarding sewer for the proposed Hilltown Chase Subdivision, he would recuse himself from decisions affecting that site. Supervisor Bender did not wish to be in the position of contradicting the Authority or himself, and he was a part of the unanimous opinion. The Authority would have been recommending something other than what is currently on the Hilltown Chase plan. Even though Supervisor Bender will not be voting on the Hilltown Chase issue, the matter of recusing himself from the vote will not stop him from discussing the plan with the Board of Supervisors or with residents of this Township to provide what input he can. Supervisor Bender wished to make it clear that even though he is recusing himself from the vote as a member of the Board of Supervisors, he is still the chairman of the Hilltown Authority and he does not intend to recuse himself from discussion and voting on the Hilltown Authority Board.

Discussion took place concerning the scenario involved if the remaining two Supervisors do not agree on their vote for the Hilltown Chase Subdivision, since Supervisor Bender has recused himself from the vote.

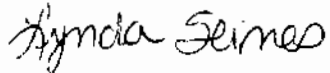
2. Supervisor Bender advised that correspondence has recently been received from the Elliot Building Group speaking of what they will agree to with regard to the Hilltown Chase plan, along with a comment concerning public sewer still being an option. Supervisor Bender explained that the developer can go to DEP to file an individual request for public sewer if they do not like the answer given by the Township.

Supervisor Bennington noted that the Township would have the right to contest the developer's private application to DEP. Further, Mr. Stinson from DEP has stated that DEP normally follows the Township recommendation in such instances, as long as that recommendation is a viable solution.

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 September 27, 1999 Hilltown Township Board of Supervisors meeting was adjourned at 10:00PM.

Respectfully submitted,



Lynda Seimes
Township Secretary

(*These minutes were transcribed from notes and tape recordings taken by Mr. Bruce G. Horrocks, Township Manager).