

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED WORKSESSION MEETING
Monday, July 12, 1999
7:30PM**

The regularly scheduled Worksession 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
Jack Wuerstle, Township Solicitor's Office
Gregory J. Lippincott, Assistant Manager/Zoning Officer
Kerry L. Trauger, Chief of Police
Thomas A. Buzby, Director of Public Works
David W. Taylor, Building Inspector

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

B. APPROVAL OF MINUTES – Action on the minutes of the June 14, 1999 Conditional Use Hearing for H & K Quarry – Supervisor Bender felt it was important to note that under “Cross Examination” on page 3, in dialogue with the Township Solicitor, it was established that a study was not performed by H & K Quarry to determine the required height of the tower, rather it was determined internally, based upon their past experience, what the tower height should be.

Mr. Horrocks reminded that Board there is a disclosure statement at the end of the minutes, which states “These minutes are a brief summary transcribed from tape recordings taken by Mr. Bruce G. Horrocks, Township Manager. These minutes are in no way an approval or denial of the said Conditional Use Hearing. A complete and official transcription taken by Ms. Vicky Haines, Court Stenographer, is on file at the Township office.” Mr. Horrocks had instructed the Township Secretary to compose these minutes as briefly as possible, with emphasis on the highlights of the meeting.

Motion was made by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the June 14, 1999 Conditional Use Hearing for Haines and Kibblehouse Incorporated, as corrected. There was no public comment.

C. WATER AND SEWER AUTHORITY REPORT – Mr. Jim Groff, Authority Manager – Mr. Groff read the Authority Report for the month of June, 1999; a copy of which is on file at the Township office.

Currently there are no mandatory water use restrictions for Bucks County, however Mr. Groff noted that DEP, as well as the Hilltown Authority is asking customers to voluntarily decrease their water usage by 10%-15%. Mr. Groff advised a number of private wells have been going dry during this drought period, especially in the location of Orchard Road and near the intersection of Diamond and Hillcrest. Residents have expressed concern about municipal wells in Hilltown possibly having an adverse effect on private wells. Mr. Groff explained that HTWSA, as with any other municipal Authority is guided by D.R.B.C. jurisdiction, which sets the amount of withdrawal in a thirty-day period. For the month of June, the Hilltown Authority withdrew approximately 50,000 gallons per day (or approximately 1.4 million gallons) less than what is permitted by D.R.B.C.. Mr. Groff has not seen any adverse affects on monitoring wells when the HTWSA pumps are in operation. Supervisor Bennington asked if Perkasio Borough Authority, which is located at the bottom of the hill, is drawing more water than they have in the past. Mr. Groff has spoken to Perkasio Authority, who expressed assurance that they are not drawing any more water and they are also withdrawing less than their requirement from D.R.B.C..

Mr. Groff commended Mr. Chuck Stockert, field operator of HTWSA, on the excellent effort he has put forth to connect properties to public water when their wells have gone dry.

D. PUBLIC WORKS REPORT – Mr. Thomas A. Buzby, Director of Public Works – Mr. Buzby read the Public Works Report for the period of May 23 through July 3, 1999; a copy of which is on file at the Township office.

E. POLICE REPORT – Chief Kerry L. Trauger - Chief Trauger read the Police Report for the month of June, 1999; a copy of which is on file at the Township office.

Supervisor Bennington asked if the Hilltown Police Department intends to participate in a DWI blitz over the Labor Day holiday. Chief Trauger hopes to conduct a blitz in conjunction with either North Penn or Bucks County. The Township is averaging approximately 14 to 20 DWI arrests per month at present.

F. ZONING REPORT – Mr. Gregory J. Lippincott, Zoning Officer – Mr. Lippincott read the Zoning Report for the month of June, 1999; a copy of which is on file at the Township office.

G. BUILDING REPORT – Mr. David W. Taylor, Building Inspector – Mr. Taylor read the Building Report for the month of June, 1999; a copy of which is on file at the Township office.

Mr. Taylor submitted a memo to the Board concerning the possibility of revising the Building Codes for Hilltown Township. Mr. Taylor is prepared to draft a proposed Ordinance to adopt the 1999 BOCA Building Code for the Supervisor's consideration.

H. HILLTOWN FIRE COMPANY REPORT – Mr. Andy Snyder, Captain – Mr. Snyder read the Hilltown Fire Company Report for the month of June, 1999; a copy of which is on file at the Township office.

Supervisor Bennington asked the circumstances involved with the abandoned dwelling located on Township property at the corner of Rt. 152 and Fairhill Road, which the Silverdale Fire Company was utilizing for training. Mr. Horrocks replied there was an accidental fire on the site, and he will discuss the matter further with the Supervisors following this meeting.

I. SILVERDALE FIRE COMPANY REPORT – Mr. Stockert was not present. The Silverdale Fire Company Report for the month of June, 1999 is on file at the Township office.

*Chairman Bennett called for a five-minute recess in preparation for the advertised 8:00PM Public Hearing.

***8:00PM – PUBLIC HEARING** – Chairman Bennett adjourned the regularly scheduled worksession meeting of the Hilltown Township Board of Supervisors of July 12, 1999 in order to enter into the advertised public hearing to consider the adoption of an Ordinance vacating portions of Rt. 313 and Rt. 113, involving a three party agreement with WaWa, Mr. Joseph Pileggi, and Hilltown Township.

Solicitor Wuerstle advised the purpose of this Public Hearing is to discuss and take testimony and evidence necessary regarding the proposed adoption of this Ordinance. The proposed Ordinance is unlike a typical road vacation Ordinance in that it will not close any road. Solicitor Wuerstle explained the Ordinance came about as part of a settlement negotiation with respect to litigation that the Township is involved in. Essentially, one of the title companies to a real estate dispute believes that a road vacation of certain grounds adjacent to Rts. 113 and 313 is necessary in order to transfer ownership from one party to another. The end result is that Hilltown Township's rights with respect to the disputed strip of property remains unchanged. The Township will still have the ability to manage stormwater, to regulate traffic, or to improve the roadway; all the typical municipal functions that the Township would typically be interested in. The end result is simply that the other property interests will transfer from one party of the litigation proceedings to another. The physical make-up of both Rt. 113 and Rt. 313 will not change.

Proper required advertisement of this Ordinance has taken place, written notice has been forwarded to the owners of property adjacent to the roadway involved, and a list of those property owners notified were entered into the record. Discussion took place.

PUBLIC COMMENT: None.

Motion was made by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously to **adopt Ordinance #99-6, vacating portions of Rt. 313 and Rt. 113, at the WaWa property.** There was no public comment.

***8:15PM – Chairman Bennett adjourned the Public Hearing and reconvened the regularly scheduled worksession meeting.**

J. PLANNING COMMISSION REPORT – Mr. John Kachline, Chairman – Mr. Kachline read the Planning Commission Report for the month of June, 1999. Mr. Kachline thanked Supervisor Bender for suggesting that the Planning Commission submit a monthly report at the Supervisor's worksession meetings which will open the lines of communication between both boards.

Discussion took place concerning the July 1, 1999 Planning Commission worksession meeting, where intensive review of the proposed Act 537 Plan took place. Mr. Kachline advised the Planning Commission recommended many revisions to the Act 537 Plan. Hopefully, Mr. Wynn will have the proposed corrections and recommendations available for the Planning Commission's final review at their July 19, 1999. Mr. Kachline believes the map showing the proposed and existing development area in the Act 537 Plan should be revised and updated; and should also tie in to the Comprehensive Plan map. The Planning Commission suggested the maps in the Act 537 Plan and the Comprehensive Plan include an Agricultural District. Mr. Kachline noted the ideal location for an Agricultural District would include portions of the proposed development district. Further, Mr. Kachline asked that no re-zoning of property take place until the Planning Commission can review this option more fully.

It was a unanimous decision of the Planning Commission to reschedule their worksession meetings from the first Thursday of the month to the first Monday of the month. Mr. Horrocks will see that the change of meeting dates is advertised as required by the Second Class Township Code.

Once review of the Act 537 Plan is complete, Mr. Kachline stated the Planning Commission intends to begin review of the Comprehensive Plan. The Planning Commission will determine a schedule of what they hope to accomplish in this review, who they would like to participate, and an estimated completion date.

With respect to several of the most recently submitted subdivision plans utilizing the Cluster Ordinance, it is the feeling of the Planning Commission that there should be no extension of public sewers and no re-zoning of property in order to accomplish a public sewer extension into the RR Zoning District. The Planning Commission feels that package treatment plants should be the method for sewage disposal. Further, the Planning Commission does not feel it would be wise to set precedence by rezoning property or allowing the extension of public sewer into the Rural Residential District.

At a previous meeting, Supervisor Bender advised discussion took place concerning a joint conference including the Planning Commission and the Board of Supervisors. Supervisor Bender presented a number of dates for the Planning Commission to consider, including August 4, August 19, or August 24, 1999. Mr. Kachline agreed that better communication between the Planning Commission and the Board of Supervisors, as well as other boards and committees of the Township, would be welcome.

K. PARK AND RECREATION REPORT – Mr. Nick Lupinacci, Chairman – No one was present from the Park and Recreation Board. The report for the month of June, 1999 is on file at the Township office.

L. CONFIRMED APPOINTMENTS: None.

M. MANAGER’S REPORT – Mr. Bruce G. Horrocks, Township Manager –

1. Mr. Horrocks presented eight escrow releases for the Board’s consideration:

Hipple Subdivision	Voucher #06	\$ 3,764.00
Hipple Subdivision	Voucher #07	\$ 840.00
Keystone Estates	Voucher #17	\$ 375.71
Keystone Estates	Voucher #18	\$ 25,160.40
Longleaf Estates Phase I	Voucher #30	\$ 2,318.40
Orchard Glen Subdivision	Voucher #49	\$ 48,043.10
Orchard Glen Subdivision	Voucher #50	\$ 524.70
Tall Oaks Subdivision	Voucher #18	\$ 702.92

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

N. CORRESPONDENCE – None.

O. MYLARS FOR SIGNATURE: Calvary Church Cemetery

P. PUBLIC COMMENT:

1. Mr. Jim Coyne, vice-chairman of the Planning Commission, wished to emphasize some comments made earlier by Mr. Kachline. An issue of great importance to the Planning Commission is to follow the Comprehensive Plan. The Planning Commission is also vehemently opposed to allowing the extension of public sewer into the RR District, and urged the Supervisors not to do so.

2. Mrs. Jean Bolger recently attended the Governor's Town Meeting with regard to land use held in Warrington, which she feels was very well conducted. Mrs. Bolger referred to other area municipalities, such as Bedminster and Plumsteadville, who are actively opposing development when possible, and stated that she would like to see Hilltown Township do the same. Mrs. Bolger believes farmland should be considered on the list of "fair share." Mrs. Bolger also thinks that the Township should not feel threatened by lawsuits, and encouraged the Supervisors to stand up to threatening tactics by developers. Supervisor Bennington commented that the point was made by several developers attending the Town Meeting that they deserve their fair share, however he never heard it mentioned that municipalities deserve their fair share of impact fees, which the State does not permit unless a very lengthy transportation study for Act 209 is conducted. Supervisor Bennington feels it is time that the State Legislators understand that voters are tired of this nonsense and that they may vote out the State politicians who refuse to support municipalities with regard to land development and land control.

Mrs. Bolger wholeheartedly agreed with the Planning Commission that the extension of public sewer should not be permitted in the RR Zoning District.

3. Mrs. Alice Kachline of Mill Road attended the same meeting that Mrs. Bolger and Supervisor Bennington spoke of. She came away from that meeting feeling much better than she has in years because she believes that the State will do something to curtail development. Mrs. Kachline got the distinct feeling that the courts may be more municipal friendly rather than developer friendly, as they have been in the past.

In the Municipalities Planning Code, Mrs. Kachline noted there are statements referring to the right of Supervisors to deny certain types of developments that might not "fit" into the neighborhood in which they are proposed. Mrs. Kachline suggested this matter be investigated further because she feels this might be one tool the Township can use against the onslaught of development, that may not be conducive to a specific area. Chairman Bennett commented one of the problems with this suggestion is that the Township does not negotiate with developers, and he feels we should. Developers are business people, and most are not unreasonable. By the time a developer commits to purchase a property they are fully aware of the number of homes they are permitted to construct on the site through zoning requirements. Further, the price a developer pays for that land depends

on what he intends to do with that land.

4. Mr. John Kachline, chairman of the Planning Commission, suggested that density figures be taken out of the Ordinance, because every single developer attempts to get the maximum amount of density from a property. Discussion took place.

5. Mrs. Janice Stemler of Beverly Road commented that the Elliott Building Group is not basing the proposal on zoning, because they are confident that the zoning will be changed to permit public sewer extension to the site. Chairman Bennett stated the Elliott Building Group was also presented with the fact that the Board of Supervisors, Planning Commission, and the Hilltown Authority were not in favor of package treatment plants at that time. With the recent confusion involving the Cluster Ordinance, and now that the damage has been done as far as the number of dwellings the Elliott Building Group is permitted to construct, Mrs. Stemler suggested that package treatment plants may be the answer so that a precedence is not set for the extension of public sewer into the RR District. Mrs. Stemler does not feel zoning should be changed for the Elliott Building Group, which could eventually create a "piggy-back" situation for other property owners living in the RR District near the end of a public sewer line.

6. Mrs. Sandra Seifert of Beverly Road has seen cluster developments with homes constructed on very tiny lots, however they are also designed in such a way that the lots are abutting open space so that it does not appear so crowded and "cookie-cutter" looking. It is a design technique that Mrs. Seifert feels should be utilized by the developers who are making cluster proposals in Hilltown Township. Mrs. Seifert thinks it may take the Township to push the developer into taking advantage of this type of cluster concept and to make better use of the Growing Greener concept.

Chairman Bennett would like to see a senior citizen type housing development tied in with cluster, which he believes would alleviate many of the problems such as schools and taxes.

7. Mr. Jim Coyne agrees that there are problems with package treatment plants, however he does not feel that the Township can solve one problem by creating another. If the extension of public sewer is permitted to the Hilltown Chase subdivision proposal in lieu of a package treatment plant, Mr. Coyne believes that public sewers will breed further development. Once a precedent is set, Mr. Coyne stated it would only be a matter of time before another developer appears before the Board asking for the same consideration. Discussion took place.

8. It is Mrs. Alice Kachline's understanding that the proposed sewer district found on the Comprehensive Plan map was established simply so that if the area ever did become eligible for public sewers, it would be serviced by the Hilltown Authority.

Chairman Bennett recalls that the proposed sewer district was established because the CR-I District was expected to be fully built out at that time, and the Township had to expand on the "fair share" basis to provide more land for the CR-I District.

9. If a developer wishes to construct a package treatment plant, Mrs. Jean Bolger asked if DEP must issue a permit. Supervisor Bennington agreed that was correct, and noted there could be a lengthy time period involved for DEP approval.

Q. SUPERVISOR'S COMMENTS:

1. Supervisor Bennington had hoped to confront a certain individual about some incorrect statements that have been circulating around the Township, however that individual is not in attendance this evening.

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

S. ADJOURNMENT: Upon motion by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously, the July 12, 1999 Hilltown Township Board of Supervisors Worksession meeting was adjourned at 9:00PM.

Respectfully submitted,



Lynda Seimes

Township Secretary

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