

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, April 26, 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 7:50PM and opened with the Pledge of Allegiance.

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

Chairman Bennett asked for a moment of silence for the tragedy recently experienced at Columbine High School in Colorado.

Chairman Bennett had an unexpected announcement to make this evening. He read correspondence from the third Supervisor, Mr. Charles Grasse, resigning his position on the Board of Supervisors effective April 23, 1999, due to health reasons. Mr. Grasse had been in virtual agony for the past few months due to back problems and is scheduled for surgery in the near future. Chairman Bennett commended Mr. Grasse for his 12 years of dedicated service to Hilltown Township, ten years as vice-chairman of the Zoning Hearing Board, and two years as a member of the Board of Supervisors. Mr. Grasse has also been active on the Open Space Committee and the Hilltown Civic Association. Personally, Chairman Bennett is very sorry that he has resigned his position as Hilltown Supervisor.

A. APPROVAL OF CURRENT BILLING – Chairman Bennett presented the Bills List dated April 27, 1999, with General Fund payments in the amount of \$89,336.31 and State Highway Aid payments in the amount of 11,047.32; for a grand total of all payments in the amount of \$100,383.63.

Motion was made by Supervisor Bennington, seconded by Chairman Bennett, and carried unanimously to approve the Bills List dated April 27, 1999, as written. There was no public comment.

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY:

1. Mr. Bill Rieser of Telegraph Road asked the procedure for filling Mr. Grasse's vacancy on the Board of Supervisors. Solicitor Grabowski quoted Section 407 of the Second Class Township Code, which states "If the electors of any Township fail to choose a Supervisor, Tax Collector, Auditor or Assessor, or if any person elected to any

office fails to serve in the office, or if a vacancy occurs in the office by death, resignation, removal from the Township or otherwise, the Board of Supervisors may appoint a successor who is an elector of the Township and has resided in that Township continuously for at least one year prior to their appointment. Upon their failure to make that appointment within thirty days after the vacancy occurs, the vacancy shall be filled within fifteen additional days by the Vacancy Board. The Vacancy Board shall consist of the Board of Supervisors and one elector of the Township who shall be appointed by the Board of Supervisors at the Board's first meeting each calendar year, or as soon after that as practical, and shall act as chairman of the Vacancy Board. If the Vacancy Board fails to fill the position within fifteen days, the Vacancy chairman shall petition the Court of Common Pleas to fill the vacancy." It then states "The successor so appointed shall hold the office until the first Monday in January after the first municipal election which occurs more than sixty days after the vacancy occurs at which election, an eligible person shall be elected for the unexpired term." Solicitor Grabowski advised the Second Class Township Code does not suggest how the Supervisors are to determine an individual to fill a vacancy, however he would recommend that the position be advertised and resumes be submitted. The language concerning the length of office is unclear to Solicitor Grabowski and he suggested clarification be obtained from the Board of Elections. Discussion took place.

Supervisor Bennington suggested the Township Solicitor contact the Board of Elections tomorrow to determine clarification and then a meeting should be held to begin the process. Further, Supervisor Bennington will be in Japan on business for the regularly scheduled Supervisor's meeting of May 24, 1999, and suggested consideration be given to changing that meeting date.

Motion was made by Supervisor Bennington, seconded by Chairman Bennett, and carried unanimously to advertise the vacancy on the Board of Supervisors. There was no public comment.

2. If a decision is not made in a timely manner prior to Supervisor Bennington's business trip, Mr. Jack Fox of Hilltown Pike suggested that a conference call could be made to Supervisor Bennington for the May 24th meeting. Mr. Horrocks noted the Sunshine Law has been changed to prohibit such an action since the last time the Supervisors used a conference call several years ago.

3. Mr. Greg Lippincott, Zoning Officer/Assistant Manager, announced that the Township received verification today that the Keystone Grant application was approved and Hilltown Township has been awarded \$65,000.00 to construct a walking path through the Pleasant Meadows and Orchard Glen Subdivision. Mr. Lippincott noted this matter will be discussed at the next Park and Recreation Board meeting to be held on Thursday, May 13, 1999 at 7:30PM at the Municipal Building.

C. CONFIRMED APPOINTMENTS: None.

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

1. Mr. Horrocks presented six escrow releases for the Board's consideration:

313 Self Storage, Inc. (Silverman)	Voucher #10	\$ 271.25
Country Roads Phases II, II & IV	Voucher #1A	\$ 189.12
Keystone Estates	Voucher #15	\$ 6,000.00
Longleaf Estates Phase I	Voucher #26	\$22,542.50
Longleaf Estates Phase I	Voucher #27	\$ 956.70
Orchard Glen Subdivision	Voucher #46	\$ 462.46

Motion was made by Supervisor Bennington, seconded by Chairman Bennett, and carried unanimously to approve the six escrow releases as noted above. There was no public comment.

2. Mr. Horrocks requested that the Board appoint Mr. David W. Taylor to the position of Code Enforcement Officer of Hilltown Township effective today, April 26, 1999, at a starting salary of \$40,000.00 per year.

Motion was made by Supervisor Bennington, seconded by Chairman Bennett, and carried unanimously to appoint Mr. David W. Taylor as the Hilltown Township Code Enforcement Officer effective April 26, 1999, at a starting salary of \$40,000.00 per year. There was no public comment.

3. A request has been received from the Bucks County 4-H Seeing Eye Puppy Club to waive Scout Cabin rental fees for their use on Sunday, June 20, 1999. A refundable security deposit will be required.

Motion was made by Supervisor Bennington, seconded by Chairman Bennett, and carried unanimously to waive the Scout Cabin rental fees for the 4-H Seeing Eye Puppy Club for their use on Sunday, June 20, 1999, pending receipt of a refundable security deposit. There was no public comment.

4. Cub Scout Pack #189 of Seylar Elementary School has requested that the Scout Cabin rental fees be waived for their use on June 5, 1999.

Motion was made by Supervisor Bennington, seconded by Chairman Bennett, and carried unanimously to waive Scout Cabin rental fees for Cub Scout Pack #189 of Seylar Elementary School, pending receipt of a refundable security deposit. There was no public comment.

E. CORRESPONDENCE: None.

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

1. Solicitor Grabowski presented a Declaration of Easement for the Board's consideration for the lot line adjustment subdivision plan of Leonard Kunkin Associates. The Township's requirement of approval of this plan in February of 1999 was that a portion of Cherry Lane and Clearview Road right-of-way easement be dedicated to the Township. Those documents have been prepared and executed by the applicant.

Motion was made by Supervisor Bennington, seconded by Chairman Bennett, and carried unanimously to **adopt Resolution #99-15 to accept the Declaration of Easement for the lot line adjustment subdivision plan of Leonard Kunkin Associates.** There was no public comment.

2. Solicitor Grabowski advised Development Agreements still have not been returned from the developer of the Hilltown Plaza Shopping Center, site of the former Jamesway store.

3. With regard to the zoning appeal of Rovin Restaurants, Solicitor Grabowski stated a conference was held before Judge Lawler in March of 1999 and an oral argument was held on that last week. The Township is awaiting a decision from Judge Lawler.

4. In the Rims zoning appeal, the Zoning Hearing Board found in favor of the Township and the applicant then filed an appeal with Bucks County Court. Judge McAnders found in favor of the Township with his opinion dated March 30, 1999.

5. With regard to the WaWa vs. Pileggi lawsuit, Solicitor Grabowski advised the matter has been settled.

6. The Seidel property, located at the intersection of Fairhill Road and Rt. 152, was purchased by the Township and settlement took place on March 23, 1999. The Township now owns the two acres of land at that location.

7. The Hickory Brook Kennel zoning appeal was denied by the Zoning Hearing Board and the applicant then filed a suit in Bucks County Court. A conference was held before Judge Rufe on April 7, 1999, and the Township's brief and legal arguments are due on May 19, 1999.

8. The Floodplain Ordinance proposed by the Federal Emergency Management Act and reviewed by the Township Planning Commission has been

advertised for the Board's consideration at the May 10, 1999 Worksession meeting. The FEMA office has a strict deadline for adoption by May 18, 1999.

9. The Recreation Fee Ordinance is a very extensive document that has been reviewed for a lengthy period of time, by the Bucks County Planning Commission, the Hilltown Township Planning Commission, the Township Engineer and the Township Solicitor. This proposed Ordinance has been advertised for possible adoption at the May 10, 1999 Board of Supervisors Worksession meeting.

Solicitor Grabowski noted there is a requirement in this proposed Ordinance for the adoption of a Resolution to provide for the actual amount of a fee that an applicant could pay in lieu of certain mandatory recreation requirements. That Resolution will need to be adopted if the Supervisors choose to adopt the Recreation Fee Ordinance on May 10, 1999.

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

1. Souderton Area School District (Land Development Waiver) – The Souderton Area School District seeks a waiver from land development submission requirements to replace an existing one-story block garage with a larger 45' X 80' maintenance building at their site located on County Line Road. The maintenance building will be constructed in an area of existing impervious surface immediately upgrade of a detention basin. This site also contains parking facilities for the school district. As part of the land development waiver, the Souderton Area School District agrees to install nine Red Maple street trees along County Line Road and three Red Maple parking area trees in the center of the existing parking lot (within an existing grass strip). The Planning Commission unanimously recommended waiver of land development submission conditional upon installation of the tree planting.

Motion was made by Supervisor Bennington, seconded by Chairman Bennett, and carried unanimously to grant a waiver of land development submission to the Souderton Area School District, conditional upon installation of the tree plantings, as noted above. There was no public comment.

2. Calvary Church (Revised Final) –The revised Calvary Church land Development plan to add a 90 adult and 75 infant cemetery in the rear of the tract was unanimously recommended for final plan approval by the Planning Commission, subject to the following conditions:

- Special Exception approval granted by the Zoning Hearing Board on April 15, 1999 must be noted on the plan. Any conditions imposed by the Zoning Hearing Board must be accomplished by the applicant.

- Sheets 1, 2, and 3 must include all notes and details as provided on the originally recorded plans. Additionally, a note must be included on the plan listing prior plan approval and recordation information.
- Signature block for the Township Planning Commission must be revised to read "Recommended for approval by..."

Motion was made by Supervisor Bennington, seconded by Chairman Bennett, and carried unanimously to grant final plan approval to the Calvary Church Revised Final Plan to include the addition of a 90 adult and 75 infant cemetery in the rear of the tract, pending completion of all outstanding items as noted above. There was no public comment.

3. Alff Subdivision (Minor) – This minor subdivision located on Minsi Trail was unanimously recommended for final plan approval by the Planning Commission, subject to the following conditions:

- Request for modification of the Subdivision Ordinance requirements relative to street improvements was recommended conditional upon the applicant reconstructing the driveway entrance for Lot #1 to the ultimate right-of-way line to provide a design in accordance with PennDot and Township requirements, and permitting/installation of the driveway entrance for Lot #2.
- Right-of-way area of Minsi Trail is offered for dedication to the Township as an easement in accordance with Note #20 and should be accepted pursuant to Section 506 of the Subdivision Ordinance.
- Planning Modules for onsite sewage disposal must be approved by PADEP.
- Property monumentation as shown on the plan must be installed and certified by the responsible surveyor prior to plan recordation.

Motion was made by Supervisor Bennington, seconded by Chairman Bennett, and carried unanimously to grant final plan approval to the Alff Subdivision, pending completion of all outstanding items as noted above. There was no public comment.

4. Longleaf II Subdivision (Preliminary) – The preliminary plan was recommended for approval by a 6-1 vote by the Planning Commission (Mr. Beatrice was opposed due to the proposed private deed restricted open space) at their meeting held on March 15, 1999. The plan was recommended for approval subject to satisfactory resolution of all outstanding items contained within the March 4, 1999 engineering

review and resolution of ownership of open space by the Board of Supervisors upon receipt of a recommendation from the Park and Recreation Board. It is Mr. Wynn's understanding that Heritage Building Group met with the Park and Recreation Board at their April meeting. Written recommendation from the Hilltown Open Space Committee dated April 19, 1999 was recently received.

Ms. Beverly Curtin of Heritage Building Group, along with Mr. John Tressler of Boucher and James, were in attendance to present the plan. Ms. Curtin noted the parcel consists of approximately 57 acres and is a continuation of the Longleaf I Subdivision. The subdivision also has another access through the existing Orchard Station development.

Mr. Tressler advised the proposed open space area is a recreational area located adjacent to the previously approved recreational area in Longleaf I. The combination of the two areas will consist of approximately 10 acres and will contain four ballfields, and four tot lots in the one common area. There is a small portion of open space located at the end of the proposed cul-de-sac, which will be dedicated to the Township. This area abuts other lands owned by the Township. Another section of open space is located adjacent to Township open space and is proposed to be dedicated for that purpose. The third area, Open Space "E", is proposed by the developer to be dedicated for agricultural purposes in private ownership to Mr. Adolph Jager. The fourth area of open space is proposed to be private deed restricted open space as a common area in the center of several lots.

Supervisor Bennington asked if the Park and Recreation Board, as well as the Open Space Committee, has reviewed and given their recommendation for the open space. Ms. Curtin replied that both boards have provided very similar recommendations. It is her understanding that both the Park and Recreation Board and the Open Space Committee recommended that an easement across Mr. Jager's property be granted to the Township. Item #1 of the Open Space Committee recommendation states "All proposed open space be owned by and deeded to Hilltown Township. We recommend a lease of no less than 3 years with the terms to be based on the going rate of the local tax base." On behalf of Mr. Jager, Ms. Curtin is requesting that the time frame for lease be extended longer than three years.

Most significantly, Mr. Wynn noted that the Planning Commission, Park and Recreation Board and the Open Space Committee recommended that the Township accept ownership of all sections of Open Space "E" and "D." It was also the consensus of the Planning Commission that they would be agreeable to leasing land to Mr. Jager for agricultural purposes in the interim. Mr. Wynn believes that how that occurs, under what conditions, and for how long can be determined at a later time, possibly as part of the final plan approval process. Supervisor Bennington agreed.

8:31PM – Chairman Bennett called a five-minute recess for review and input from the Township Solicitor concerning the open space area. The meeting reconvened at 8:40PM.

Motion was made by Supervisor Bennington, seconded by Chairman Bennett, and carried unanimously to grant preliminary plan approval to the Longleaf Estates II Subdivision, based upon the March 4, 1999 engineering review and Planning Commission recommendations, and prior to final plan approval, it will be determined by the Supervisors how the open space areas will be utilized and ownership of that open space area. There was no public comment.

Supervisor Bennington is not happy with the proposal submitted by Heritage for 351 homes which will be located across the street from his home. Supervisor Bennington asked if the developer would consider an age-restricted community so that there will not be such a great impact on the roads, school district, police, fire, and emergency services. Ms. Curtin will take this request to the applicant for consideration.

5. Cluster/Site Capacity Zoning Amendment – The proposed changes would revise the Zoning Ordinance relative to Use B-1 Single Family, Use B-3 Single Family Detached Cluster, Section 501 – Site Capacity Calculations, and Table 502 – Performance Standards for each of the residential zoning districts. Mr. Wynn advised this amendment was discussed at the Planning Commission worksession and then recommended at their regular meeting for the Board of Supervisors to advertise to hold a public hearing for adoption and to forward proposed revisions to the Bucks County Planning Commission for review.

Motion was made by Supervisor Bennington, seconded by Chairman Bennett, and carried unanimously to advertise the revised Cluster/Site Capacity Zoning Amendment, forward it to Bucks County Planning Commission for review, and advertise for a public hearing to adopt the revisions. There was no public comment.

Chairman Bennett agreed to second the motion, however he has some serious reservations because it does not address the senior adult aspect of planning. Chairman Bennett is not sure where the Planning Commission stands on this issue since they have changed their minds several times. He does not necessarily agree with the proposal for 30,000 sq. ft. lots, because he does not believe that would be a true cluster development.

6. Floodplain (FEMA) Zoning Amendment – The Floodplain Zoning Ordinance Amendment has been advertised for adoption at the Public Hearing to be held on May 10, 1999. The Ordinance was unanimously recommended for adoption by the Planning Commission and amends the Zoning Ordinance for compliance with Federal Emergency Requirements. Mr. Wynn advised this amendment has been forwarded to the

Bucks County Planning Commission for review and is advertised for a public hearing at the May 10, 1999 Supervisor's Worksession meeting.

H. ENGINEERING: None.

I. MYLARS FOR SIGNATURE: Toth Brothers – Maron Road

J. PUBLIC COMMENT:

1. Mr. Stefan Heilakka of Church Road stated that several meetings ago he had asked when the Comprehensive Plan for Hilltown Township will be updated. Supervisor Bennington believes the top priority at this time is gaining approval of the Act 537 Plan, and once that is complete, he intends to ask the Planning Commission to begin review of the Comprehensive Plan. To do a thorough long term planning review, Chairman Bennett feels a professional planner should be hired. Supervisor Bennington agreed.

Mr. Heilakka noted increased activity on and around the Nicholas property has been seen during the past ten days. In questioning residents about the public hearing that took place last October, Mr. Heilakka has received two different responses in terms of community understanding about what happened. The first understanding is that the UDA was defeated, and the second understanding is that the UDA was to be returned to the professional planner for further review. In seeking copies of minutes of that October 28, 1998 hearing, Mr. Heilakka was informed that minutes are not available because the Township has not formally requested a transcript from the court stenographer. Mr. Horrocks advised he has since instructed the Township Secretary to obtain a transcript from the court stenographer. Once that transcript is obtained, Mr. Horrocks will direct the Township Secretary to transcribe a summary set of minutes from that transcript. Supervisor Bennington wished to make it clear that the UDA proposal was definitely defeated in October, 1998. Further, upon review of the November 1998 minutes, which is an official record of the Township, Supervisor Bennington had made a comment to the effect that the UDA proposal was "killed at the October 28, 1998 meeting." Chairman Bennett explained that when a professional stenographer is in attendance, the Township Secretary does not normally take minutes. Supervisor Bennington believes that from this point forward, every meeting should be transcribed and official minutes should be available to anyone who wishes to review them.

2. Ms. Diane Parks of 1022 Keystone Drive has recently seen more and more press coverage about the Coalition to Save Local Government. It appears that the Coalition is very active and most of the municipalities in Bucks and Montgomery County are members. Ms. Parks asked what the Township's position is concerning the Coalition. Supervisor Bennington commented he is very much in favor of joining the Coalition and

he had made a motion at a past meeting to join the Coalition, however there was no second to that motion. It is Chairman Bennett's position that Hilltown Township's problems and concerns are not the same as those experienced in Buckingham, Plumstead and Bedminster. Personally, Chairman Bennett feels those three particular communities went to extremes with their zoning requirements. They wanted to retain 95% of their zoning, and as a result, many curative amendments were filed by developers because that type of zoning did not hold up in the courts. Chairman Bennett has been concerned about Hilltown's zoning being approximately 65% Rural Residential. He believes Hilltown Township's zoning laws are fair.

Supervisor Bennington noted Chairman Bennett was the voting delegate at the PSATS Convention in Hershey, and asked how he voted on Hilltown's behalf when the PSATS Resolution was proposed to support the Coalition amendment regarding the MPC update. Chairman Bennett replied he voted in favor of that resolution because he thought it was a good idea. That being the case, Supervisor Bennington wondered why Chairman Bennett refused to second the motion for Hilltown to join the Coalition.

Solicitor Grabowski stated that at the PSATS Convention, the Coalition was present, and the structure was that there were resolutions put before the full board which were adopted. The restriction, however, was that only questions could be asked of the panel rather than a taking of opinions. Solicitor Grabowski stated that the Governor recently announced that there will be series of open forums throughout Pennsylvania, one of which will be held specifically for Bucks County on June 29, 1999 at the Warrington Lodge. Solicitor Grabowski felt it might behoove Hilltown Township to send a representative to provide comments and opinions to this conference. The session runs from 6:30PM to 9:00PM, with no admission fee charged. Supervisor Bennington and Ms. Parks agreed that they would attend the meeting.

Ms. Parks advised there had been discussion several meetings ago about extending the use of the recently purchased property at the intersection of Rt. 152 and Fairhill Road for use by the Deep Run Valley Sports Association. Mr. Horrocks advised a meeting must be held between representatives of Deep Run, the Park and Recreation Board, and possibly a Supervisor because the land must be graded to utilize the field and there is a great amount of fill that must be brought in to meet its minimum storm drainage plan.

Ms. Parks has spoken to many residents the past few weeks, and the consistent message was that they do not really know how to find out what is happening in the Township or at public meetings. Ms. Parks suggested that as the agendas are prepared for public meetings, they be verbally recorded on a particular extension within the Township's phone system, so that every resident could hear what agenda items will be discussed at the next meeting. Further, Ms. Parks suggested agendas be published on the Township's web site.

3. Mr. John Bolger of Rt. 152 was present at the October, 1998 meeting where the Cluster Ordinance was adopted, and he was under the impression that the same number of dwellings would be permitted, no matter what. Discussion took place.

Mr. Bolger asked what zoning district the Longleaf II Subdivision is located in. Mr. Wynn replied Longleaf II is located in the CR-I Zoning District. Mr. Bolger asked how much open space the Township will receive from the Longleaf II Subdivision. Mr. Wynn advised the base site area is 51.89 acres, the total required open space is 25.9 acres, and the total provided open space is 29.0 acres. Mr. Bolger asked if the 29 acres of open space is buildable or non-buildable land. Mr. Wynn replied there is some buildable land and some non-buildable land in that 29 acres. Mr. Wynn explained that when the Ordinance was initially established, open space consisted of all of the non-buildable land, including steep slopes, wetlands, and floodplains. Over the years, open space has changed to more usable land, and in fact, there is a requirement of a certain minimum percentage of usable land – 15% of the total site area. Personally, Mr. Bolger does not understand why it is not 100%. Mr. Wynn advised that open space was originally intended to preserve natural features, not for recreational purposes.

Mr. Bolger asked why there is such a big discrepancy in the requirement for three acres if there is not public water, and 50,000-sq. feet if there is public water available. Mr. Jack Fox, a member of the Hilltown Planning Commission, stated that several years ago, the Delaware River Basin Commission conducted a study that determined three acres are required for every private well for recharge purposes. Therefore, if public water is available, three acres for recharge is not required. Mr. Bolger is concerned about the amount of public water that might be available in Hilltown Township. Supervisor Bennington commented there has never been a complete water study conducted in Hilltown Township. Mr. Bolger wondered why the Supervisors would entertain any more development in the Rural Residential Zoning District when there is no way to determine how much public water might be available to the current residents of the Township. Supervisor Bennington noted public water does not encourage and extend development, rather public sewer extends and encourages development. Supervisor Bennington commented a complete water study of the Township could cost as much as \$50,000.00 to \$75,000.00. Discussion took place.

4. Ms. Sandra Seifert of Beverly Road asked if the Township would entertain the possibility of five Supervisors instead of three. Supervisor Bennington explained that to have five Supervisors, a referendum question would have to be placed on the ballot. This very question had been placed on the ballot a few years ago, and there is a certain period of time that must pass before the question can be placed on the ballot once again.

5. Mrs. Jackie Walker of Bypass Road questioned a statement made earlier by Mr. Wynn concerning the fact that open space was originally intended to preserve the

natural resources. Mr. Wynn explained that the opinions of what open space should be used for has changed over time, and originally, open space was intended to preserve significant natural resources, such as floodplain and non-buildable portions of a lot to be preserved in its natural state. As the Township has become more populated, there has been more concern of having open space that is usable for recreational purposes. Therefore, there is now a requirement that a certain percentage of the site (15%) be usable open space land for recreational purposes or other purposes.

6. Mrs. Gisela Schafstallar of 31 Park Road has discovered that developers charge between \$7,500.00 and \$10,000.00 more for a lot that contains certain natural features, such as a stream, mature trees, or a wooded area. Therefore, if a developer takes advantage of a situation that a prospective purchaser might covet, Mrs. Schafstallar suggested the Township should somehow take advantage of these natural features. Mrs. Schafstallar suggested that the Township preserve more of the natural features, and build less houses. This is one of the reasons Chairman Bennett feels the Township should hire a professional planner.

Personally, Mrs. Schafstallar likes most of the recent developments in Hilltown Township, the way the houses look and the way the subdivisions are arranged.

6. With regard to the suggestion of retaining a professional planner, Mr. William Rieser of 508 Telegraph Road reminded the Board that at one time, the Bucks County Planning Commission provided this type of service to municipalities. Mr. Wynn advised the Bucks County Planning Commission still provides this type of service, including preparing Ordinances, attending meetings, etc.. Supervisor Bennington explained the funds paid to the professional planner will be absorbed by increasing the cost of subdivision/land development fees.

Concerning water resources in the Township, Mr. Rieser noted that Hilltown could conduct a water study of the Township, however unless we are aware of what is available in neighboring municipalities, the study will not be very meaningful since aquifers do not know Township boundaries. Discussion took place.

7. Mrs. Alice Kachline of 529 Mill Road understands and accepts the reasoning behind the Planning Commission not removing cluster from the RR Zoning District. However, Mrs. Kachline does not believe cluster belongs in the RR District. Mrs. Kachline wondered what is to stop someone in the distant future from building on open space areas. Solicitor Grabowski advised there are options found in the provisions of the Zoning Ordinance with regard to open space, which includes dedication to the Township, dedication to a homeowner's association, or dedication to some other non-profit, lawful conservancy. If the open space is dedicated to the Township, the Township is compelled to retain that property for perpetuity. It can not be sold, but the Township

could enter into lease agreements as was discussed previously this evening. If the open space is dedicated to a homeowner's association, there is a very extensive set of bylaws to which the dedication and a declaration of conditions which is recorded at the Bucks County Recorder of Deeds, must comply. For example, the Country Roads Subdivision open space is covered under an approximately 45-page declaration of conditions which is recorded at the County. The Township reviewed that document before it ever gave approval to the subdivision, and many revisions were made by the Township to insure that the homeowner's association could never do anything other than possibly convey that open space to the Township.

Mrs. Kachline asked if the parcel of open space behind this building is being considered for construction of a maintenance building. Solicitor Grabowski advised the provisions of open space found in the Zoning Ordinance provides for Township owned property to be used for municipal use, which in this case could be construction of a maintenance building.

Mrs. Kachline's other concern about open space is that if cluster developments are permitted in the RR District, more employees would be required for maintenance of the open space areas that have been dedicated to the Township.

8. Mrs. Denise Hermany of Rickert Road questioned the time frame involved with advertising and review by the Bucks County Planning Commission. Mr. Horrocks believes the Bucks County Planning Commission review should be returned after the first Wednesday in June, since they only meet once a month. The Public Hearing for consideration and possible adoption of the Cluster Ordinance will be scheduled for the June 14, 1999 Worksession meeting.

Mrs. Hermany asked how this advertising and review process will affect the submission of preliminary plans. Solicitor Grabowski did not wish to respond to that question since there were developers present in the audience. He advised that if plans are filed between now and the possible adoption of any Ordinance, the Township will take all due, deliberate speed in reviewing them, and if there are things that can be contested, Solicitor Grabowski is certain the Township will do so. If the Township adopts the proposed Ordinance on June 14, 1999, Supervisor Bennington noted a developer will be beholden to the revised Cluster Ordinance, as well as the Performance Subdivision Ordinance.

9. Ms. Maureen Lyons of Country Roads Subdivision questioned how the Cluster Ordinance, with all the misinterpretation with regard to the density, can be considered legally adopted. Further, Ms. Lyons wondered if the Cluster Ordinance could be deemed invalid if it was reviewed by the Commission of Ethics, due to Supervisor Grasse's conflict of interest. Solicitor Grabowski advised the Pennsylvania Ethics Commission can be asked for private requests and opinions regarding conduct of anyone.

Their response is simply to say yes or no, as to whether there was a conflict, in their opinion. They have no further authority to do anything.

10. Along that same line of questioning, Mrs. Diana Urban of Hilltown Pike asked how the present Cluster Ordinance can be considered legal because there are two separate definitions of net buildable site area referred to in this Ordinance. Again, Solicitor Grabowski invited interested residents to remain following this meeting to answer these types of questions, when the developers have left the meeting.

11. Mrs. Mary Schiavone of Township Line Road noted that the Zoning Ordinance, the Comprehensive Plan, and the Subdivision/Land Development Ordinance all refer to how many dwellings are permitted depending on the availability of water. Further, the Comprehensive Plan also refers to different kinds of rock and how some rocks produce more water and some produce less. Yet, the Cluster Ordinance still permits the same amount of density on a specific number of acres – no matter what the criteria for different rock formations on the site might be. Supervisor Bennington explained that when Perkasio began drilling a public well down the street from his home, they were drawing another half a million gallons of water, and were concerned that this new well would cause neighboring wells to dry up. Because of this concern, Supervisor Bennington permitted his well to be monitored, and it was determined that his water level increased, rather than decreased. Discussion took place.

12. Mr. Daryl Derstine of Blooming Glen is concerned with the amount of signage throughout the Township and has expressed his concerns in writing, to no avail. One day, Mr. Derstine traveled from Bethlehem Pike to Blooming Glen on Rt. 113 and counted thirteen Heritage Building signs in a four-mile stretch. Some of the signs were actually hung on reflector posts, which are designed as a safety feature to keep motorists on the road. Mr. Derstine was appalled that this condition is permitted to continue, when the Sign Ordinance clearly states that it is prohibited. Supervisor Bennington directed Mr. Derstine to send another letter to the Township, and assured him that the signs in violation will be removed.

13. Mr. John Bolger asked why the Supervisors can not just vote the existing Cluster Ordinance out. Supervisor Bennington explained that there is an entire legal process involved that the Township must adhere to including advertising procedures and review by the Bucks County Planning Commission. Solicitor Grabowski explained the same time constraints apply because a new Ordinance would have to be passed to repeal the former Ordinance. Discussion took place.

14. Mrs. Janice Stemler of 19 Beverly Road does not believe the Township should just sit back and wait until the revision to the Cluster Ordinance is voted for to prevent preliminary plans from being submitted. Mrs. Stemler cited a specific court case

where another municipality had a curative amendment to revise their Ordinance, and then discovered they had made a mistake. The municipality then called a moratorium while they were revising the Ordinance. Solicitor Grabowski explained that in both Lancaster and Delaware Counties, there has been a situation where Townships have adopted an indefinite moratorium. One was for one year and one was for eighteen months. The moratorium in both of those cases has been appealed to the Commonwealth Court and there is a petition in front of the State Supreme Court on that matter. There may be a decision by June or July. The attorneys involved are all experienced municipal solicitors and he has personally spoken to three of them. Solicitor Grabowski will speak to all interested residents privately following this meeting to discuss this matter further.

K. SUPERVISOR'S COMMENTS:

1. Motion was made by Supervisor Bennington, seconded by Chairman Bennett, and carried unanimously to begin the search for a professional planner to assist the Planning Commission with specific plans, as well as updating the Comprehensive Plan in the future, with the cost for the professional planner to be paid for by the development fees. There was no public comment.

2. Supervisor Bennington is very perturbed by the proposed development across the street from his home and how it will affect the entire Township. Supervisor Bennington believes that Hilltown Township has reached its fair share in the development district. Supervisor Bennington feels there should be no further change to the development district, based upon the fact that there is still 319 acres available in the CR-1 and CR-2 Districts. Since 1991 when the Comprehensive Plan was last approved, there have been 347 homes constructed in the CR-1 and CR-2 Zoning Districts, plus the 350 homes proposed in the new Heritage development on Walnut Street, for a total of 697. When the Comprehensive Plan is reviewed during the next nine to twelve months, Supervisor Bennington commented the Supervisors will then consider whether or not the development district must be extended at that time, but for now, he believes the development district should not be extended any further.

Motion was made by Supervisor Bennington to halt the extension of the development district of Hilltown Township any further. There was no second to the motion.

Chairman Bennett explained there were plans drawn by the Planning Commission in 1991 indicating that the next movement for the CR-2 District would be in this area. It was recommended that the CR District would be complete and the development district would then move into a piece of the Rural Residential District. Mr. Jack Fox, member of the Planning Commission, stated that the plan was drawn in 1990 because the professional planner at the time suggested that a proposal be made for the future. However, that plan was never adopted. Therefore, Mr. Fox noted there is no time limit

involved and the Township could move in any direction when the time comes. The map that is contained within the Comprehensive Plan is the one that was adopted.

3. Motion was made by Supervisor Bennington to authorize Hilltown Township to join the Coalition founded by Betsey Helsel in an attempt to get the Municipalities Planning Code changed to reflect curative amendments. There was no second to the motion.

Chairman Bennett would not second that motion at this time. Chairman Bennett wondered who would represent the Township at these meetings if Hilltown did join the Coalition. Discussion took place.

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

M. ADJOURNMENT: Upon motion by Supervisor Bennington, seconded by Chairman Bennett, and carried unanimously, the April 26, 1999 Board of Supervisors meeting was adjourned at 9:52PM.

Respectfully submitted,



Lynda Seimes
Township Secretary