

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, January 25, 1999
7:30PM**

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

Also present were: Kenneth B. Bennington, Vice-Chairman
Charles D. Grasse, Supervisor
Bruce G. Horrocks, Township Manager
George C. Egly, Chief of Police
C. Robert Wynn, Township Engineer
Francis X. Grabowski, Township Solicitor

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

B. APPROVAL OF MINUTES – Action on the minutes of the December 28, 1998 Supervisor’s Meeting – Motion was made by Supervisor Grasse, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the December 28, 1998 Supervisor’s meeting, as written.

Action on the minutes of the January 4, 1999 Reorganization Meeting – Motion was made by Supervisor Grasse, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the January 4, 1999 Reorganization Meeting, as written.

C. APPROVAL OF CURRENT BILLING – Chairman Bennett presented the Bills List dated January 26, 1999, with General Fund payments in the amount of \$84,792.88, State Highway Aid payments in the amount of \$10,190.20, and Escrow Fund payments in the amount of \$4,761.00; for a grand total of all payments in the amount of \$99,744.95.

Motion was made by Supervisor Grasse, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List dated January 26, 1999.

D. TREASURER’S REPORT – Mr. Bruce G. Horrocks, Township Manager – Mr. Horrocks presented the Treasurer’s Report with the following balances as of December 31, 1998:

General Fund Checking	\$ 143,306.14
Payroll Fund Checking	\$ 163.09
General Reserve Fund	\$ 339,436.17
Fire Fund Checking	\$ 83.68
Debt Service Checking	\$ 151,761.83

State Highway Aid Checking	\$ 31,161.34
Escrow Fund Checking	\$ 220,205.43
Capital Projects – Series 1989	\$ 26,238.38
Capital Projects – Series 1994	\$ 100,329.24

Motion was made by Supervisor Grasse, seconded by Supervisor Bennington, and carried unanimously to approve the Treasurer's Report as of December 31, 1998.

E. CONFIRMED APPOINTMENTS: None.

F. MANAGER'S REPORT – Mr. Bruce G. Horrocks –

1. Mr. Horrocks presented fourteen escrows for the Board's consideration, three of which are cash held by the Township:

Bricks Villa Phase I	Voucher #44	\$ 758.93
Bricks Villa Phase II	Voucher #30	\$ 884.57
Country Roads Phase I	Voucher #8B	\$ 145.75
Country Roads Phase II	Voucher #45	\$ 349.44
Country Roads Phases III & IV	Voucher #52	\$ 805.10
County Line Plaza	Voucher #05	\$ 234.60
Gray Subdivision	Voucher #08	\$ 109.09
Hilltown Hunt Subdivision	Voucher #42	\$ 144.31
Hipple Subdivision	Voucher #02	\$ 132.40
Jay Landis Subdivision	Voucher #01	\$ 78.09
Longleaf Estates Phase I	Voucher #21	\$ 2,589.83
Longleaf Estates Phase I	Voucher #22	\$69,531.07
Longleaf Estates Phase I	Voucher #23	\$ 8,579.81
Orchard Glen Subdivision	Voucher #44	\$ 816.20

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to release the fourteen escrows as noted above. There was no public comment.

2. The Township has received notification that the Water and Sewer Authority is seeking to fill a vacancy on their board due to the resignation of Mr. Scott Tagg. Mr. Horrocks is seeking authorization to advertise to fill the vacancy on the Hilltown Township Water and Sewer Authority board.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to authorize advertisement of the vacancy on the Hilltown Township Water and Sewer Authority board. There was no public comment.

G. CORRESPONDENCE – Mr. Bruce G. Horrocks, Township Manager –

1. Correspondence was received from Mr. Joe Schmider to Mr. James Ford, the chief of the Souderton Ambulance Company, with regard to the new substation that Grandview Hospital has opened in the Skyview Medical Center on Bethlehem Pike.

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

1. Solicitor Grabowski announced the Board held an Executive Session prior to this meeting in order to discuss legal matters.

2. Solicitor Grabowski explained the Township has the opportunity to purchase a piece of real estate through a process of acquiring open space property for recreational use and public purpose. Solicitor Grabowski presented Resolution #99-9 for the Board's consideration, which would authorize him to continue negotiations to purchase a yet-undisclosed parcel in Hilltown Township. The seller has verbally agreed upon a purchase price, and now it is just a matter of getting all the owners of the property to execute an agreement of sale.

Resolution #99-9 is to provide for the friendly condemnation of real estate, identified in Deed Book 1899 on Page 133 at the Bucks County Courthouse, authorizing the Township Solicitor to acquire the property by friendly agreement, and to authorize the Township Manager to sign an Agreement of Sale on the matter.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to **adopt Resolution #99-9 to provide for the friendly condemnation of real estate, identified in Deed Book 1899/Page 133 – Bucks County Recorder of Deeds, authorizing Township Solicitor to acquire the property via agreement; and authorizing the Township Manager to sign an Agreement of Sale on the matter.** There was no public comment.

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

1. Toth Subdivision (Minor) – At their meeting of January 18, 1999, the Planning Commission unanimously recommended approval of the Toth Minor Subdivision located on Maron Road. The plan proposes two new building lots, each containing approximately seven acres in area, which will be served by on-site wells and septic systems. Waivers from street improvements, lot depth to width ratio, and street trees were unanimously recommended. The plan previously received final plan approval by the Board of Supervisors on May 14, 1990 and was resubmitted because the applicant failed to record the plan within a five-year period. The recommended approval is

conditioned upon dedication of Maron Road right-of-way and verification of erosion and sedimentation control approval by the Bucks County Conservation District.

Discussion took place as to whether or not the deed of dedication of Maron Road had been previously accepted by the Township and the document recorded at the Bucks County Courthouse.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to grant final plan approval to the Toth Subdivision, pending completion of all outstanding items as noted in Mr. Wynn's engineering review dated November 24, 1998. There was no public comment.

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

1. Hilltown Plaza Shopping Center – Plans were submitted to Hilltown Township revising the proposed Giant Food Store elevation and subsequently requires significant reconstruction of the parking area. Mr. Wynn's correspondence dated January 22, 1999, regarding revisions made to the final plan for the Hilltown Plaza Shopping Center was discussed.

Mr. Ross Weiss, representing Ahold Development for Giant Foods, Mr. Nelson Trimmer, Project Manager, and Mr. Craig Rainer of Pennoni Associates, were in attendance to present the plan. Mr. Weiss explained that after Giant Foods reviewed the plan approved by the Supervisors last year, they requested that Ahold revise the plans to address certain issues. The applicant now wishes to remove the approximate 2-ft. elevation on the Jamesway site. In order to remove the 2-ft. elevation, the applicant is proposing total demolition of the Jamesway store. To redirect stormwater runoff and minimize grades within the parking area, the entire existing parking lot surrounding the proposed Giant Food Store will be removed, re-graded, and reconstructed. The reconstructed parking area is generally configured the same as the existing lot with a reduction of only six parking spaces. However, re-grading of the parking area includes excavation up to six feet along the perimeter, requiring installation of a retaining wall. As there are no "fill" areas on site, it appears that all excavated material will be required to be hauled off the site. Due to the natural slope of adjacent parcels, off-site drainage will be directed toward the proposed retaining wall around the perimeter of the parking area. Plans should be revised to include drainage facilities at locations of concentrated flow so that surface runoff does not overtop the retaining wall.

The proposed store has changed slightly in size. The prior plan indicated a 55,000 sq. ft. floor area. The current submission proposes a 54,524 sq. ft. ground floor, 3,588 sq. ft. office mezzanine, and 1,248 sq. ft. mechanical mezzanine. This results in a total area of 59,360 sq. ft., which is slightly less than the existing structure (59,595 sq. ft.). In

addition to the increase in total floor area, the proposed store floor elevation will be lowered to the elevation of the remainder of the shopping center.

Proposed re-grading to the rear of the store will require additional clearing of brush along the rear property line. Clearing limits on the plan should be revised in accordance with the proposed grading.

In addition to the items noted in Mr. Wynn's engineering review dated January 22, 1999, the following conditions of the preliminary/final plan approval remain to be accomplished:

- PennDot approval must be received for proposed improvements to Rt. 113, as well as the proposed traffic signal to be installed at the site access/site intersection with Rt. 113.
- Verification of final approval must be received from Telford Borough Authority for both proposed public water and sanitary sewer facilities to service the site.
- Development/Financial Security Agreements must be executed between the Township and applicant to guarantee installation of required improvements.
- All proposed concrete monuments to delineate the outboundary of the site must be installed prior to plan recordation and be certified in writing by the responsible surveyor.

Mr. Weiss noted the driveway access to the site is being re-designed so that it is consistent with the driveway to the shopping center across the street, and a traffic signal will be installed.

Chairman Bennett was curious as to why the developer was proposing the demolition of the Jamesway store, rather than the more cost-effective way of remodeling the existing building. Mr. Weiss explained the developer has its own specifications, and wants the building to look a certain way. The developer wants the entrance to be located in the area where the change in grade is not so dramatic to better serve their customers. Discussion took place.

Supervisor Bennington asked if any businesses have expressed interest in the Acme building. Mr. Weiss commented a number of different business owners have investigated the site, however no one has committed to it.

Solicitor Grabowski has discussed the issue of possible dedication of road frontage with PennDot with Mr. Weiss, and passed that information on to Mr. Wynn. Mr. Weiss explained there is a very, very small portion of the improved entranceway (.003 acres) which includes the deceleration/acceleration lane that PennDot had advised they would not take dedication of because it goes beyond their existing right-of-way. The Township has asked the applicant to grant an easement but for the applicant to retain ownership. Mr. Wynn believes it was always intended, at least from the Planning Commission's viewpoint, that the area would be granted as an easement to the Township. The Township has typically taken rights-of-way as easements in the past. Mr. Weiss is requesting that the Township take fee simple dedication of that portion of property. Solicitor Grabowski commented one consideration for doing that might be a trade-off on the other issue, which is the maintenance of the traffic signal. Mr. Weiss must speak to his house counsel about that issue, he does not have the authority this evening to make a commitment.

With regard to the issue of maintenance of the traffic signal, Mr. Weiss asked the Supervisors to be aware that when the process began, it was the Township's primary goal to gain a properly aligned intersection and the installation of a traffic signal. The expense of installing a traffic signal and the roadway improvements is 100% the financial responsibility of Ahold, however the shopping center presently located across the street from the site is also gaining the benefit of it. Ahold is asking that they not be obligated to perpetually maintain the traffic signal once it is installed. Mr. Weiss commented municipalities are in the practice of maintaining traffic signals, but Ahold is not. Solicitor Grabowski explained that the Township is not necessarily seeking physical maintenance of the traffic signal by the applicant, rather the Township would be willing to do that at the expense of the applicant. Discussion took place.

Mr. Weiss stated it is Ahold's intention to commence construction at the shopping center site within the next month. Mr. Horrocks noted a demolition permit will be required to demolish the Jamesway store, with a time period of approximately 30 days for building permits for the Giant Store.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to approve the revised final plan of the Hilltown Plaza Shopping Center with the conditions and comments as specified in Mr. Wynn's engineering review dated January 22, 1999. There was no public comment.

Mr. Wynn requested a copy of the Telford Borough Authority letter from October referenced by Mr. Weiss; and also, a copy of the PennDot approval for the traffic signal.

Chairman Bennett asked how long Ahold, a Dutch company, has been involved in the food business in the United States. Mr. Weiss replied Ahold has been operating in the

United States since 1977. Supervisor Bennington asked how many people the Giant Food Store might employ. Mr. Weiss advised the store will employ approximately 200 people.

2. Country Roads Subdivision – At the last meeting, the Board entertained a request for dedication from the developer of the Country Roads Subdivision, which was not accepted. At the December 28th meeting, the developer requested a meeting with Mr. Wynn on site, however that meeting has not yet occurred. The developer submitted two escrow releases – one of which is for Country Roads Phase II in the amount of \$17,544.00. Mr. Wynn advised the current balance for Country Roads Phase II is \$61,609.01, with \$1,100.51 available to be released, however there are still several remaining incomplete items. Mr. Wynn recommends denial of the escrow release at this time. The second request was for Phases III and IV in the amount of \$30,664.50, with a fund balance of \$69,326.18. There are no funds available for release from this account. Mr. Wynn recommends denial of this escrow release as well.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to deny the requests for escrow releases for Phases II, III and IV of the Country Roads Subdivision, as noted above. There was no public comment.

3. Bricks Villa Subdivision (a.k.a. Hilltown Woods) – Mr. John Lynch, the developer, was present to discuss remaining outstanding issues prior to dedication of public improvements within the subdivision. There are two issues for consideration by the Board. All disturbed areas currently stabilized with mulch and/or re-vegetative netting are not considered satisfactory until grass has germinated. Additionally, there are several areas where topsoil has been replaced that must be fine graded to remove rocks and unevenness, especially along Briarwood Drive between the intersection of Brinkley Drive and Rt. 113. Repair of these areas and any other areas that must be disturbed to repair ground settlement and/or unsatisfactory lawn germination, must be delayed until weather conditions permit establishment of permanent lawn cover. Further, during the permitting process of the plan, Mr. Lynch advised they applied for a wetland permit. A condition of that permit is that the developer is required to do wetlands mitigation, which means an area of the site with suitable hydrology is chosen for planting of wetland vegetation. The regulatory agency reserves the right to monitor the mitigation. Unfortunately, because of the monitoring period, this could delay dedication of public improvements for the developer. The hydrology and wetland consultants for the developer, Del Val Soils, has entered into an agreement with Parc Realty Inc. to inspect the wetlands on a yearly basis for the next five years. If there is any issue that is not in compliance with the regulatory agency, Del Val Soils will then re-do the wetland plantings, as necessary.

Another solution offered by Mr. Wynn's office was to establish a cash escrow so that the Township could draw upon the funds if they so desire. If that is the Board's choice, Mr.

Lynch advised a \$5,000.00 bond was established in conjunction with the issuance of the Performance Bond which could be used for future maintenance of the wetlands.

Solicitor Grabowski explained the reason for the \$5,000.00 bond is so that if the Township must ever default the project, it can attempt to gather the funds from the bonding company. Unfortunately, the Township's past experience with bonding companies has not been good. Solicitor Grabowski would not recommend that the bond monies be used for anything other than its stated purpose.

Concerning the grass plantings, Mr. Wynn commented the grass has not germinated and there are some areas that were not raked out properly. These items can not be accomplished until spring of this year.

With regard to the wetland mitigation, Solicitor Grabowski anticipates that it would be very complicated to attempt to persuade a bonding company who is supplying a maintenance bond to include issues involving private property and a Federal agency. It is Solicitor Grabowski's recommendation that an additional amount of cash be supplied by the developer to insure that this work would be accomplished in the event the regulatory agency is not satisfied with the work. Further, Solicitor Grabowski suggested a specified amount of time be set, perhaps five or six years, for the escrow to be held by the Township. If after that time the matter has been resolved, the funds would then be returned to the developer; or the Township would retain that money in order to accomplish the outstanding work. Discussion took place. Mr. Lynch will forward a copy of the developer's agreement with Del Val Soils to Mr. Wynn and Solicitor Grabowski for their review. Solicitor Grabowski suggested the matter be tabled until the Board's February worksession meeting. The Board was agreeable.

4. Bergen Subdivision (a.k.a. Foxview Hunt) – Mr. Wynn had nothing new to report. The developer did not present a proposal as anticipated.

K. MYLARS FOR SIGNATURE: None.

L. PUBLIC COMMENT:

1. Mr. John Snyder, a member of the fire police, advised there has been some difficulty with Bell Atlantic with regard to downed telephone poles. Last Thursday evening, a telephone pole was struck shortly before 6:00PM, with the fire police dispatched at 6:15PM. Church Road at Keystone Drive and at Park Road, as well as Fairhill School Road at Maron Road, were closed because the pole was located right at the intersection. Shortly after the police arrived on the scene, Bell Atlantic and PP&L were notified. Within the hour, PP&L arrived; and at approximately 8:25PM, a supervisor for Bell Atlantic arrived to survey the scene. The pole belonged to Bell

Atlantic, with PP&L lines attached to the pole. PP&L could do nothing until Bell Atlantic personnel arrived to take control of the pole. Mr. Snyder noted the Bell Atlantic supervisor spent approximately five minutes at the scene, advising that a pole crew would arrive within 1 ½ hours. Six hours after the accident, the Bell Atlantic crew finally arrived on the scene at 11:54PM. After speaking with members of the Bell Atlantic crew, Mr. Snyder learned they had not been paged until 10:00PM. The Bell Atlantic supervisor told Mr. Snyder that the reason it took him so long to respond to the scene was because he was dispatched from Philadelphia. Mr. Snyder noted there is a Bell Atlantic supervisor who lives in Hilltown Township at Fairhill and Cherry Road. Situations similar to this have happened in the past. For instance, approximately eleven months ago there was an accident on Hilltown Pike where a Bell Atlantic pole crew did not arrive in excess of four hours from the time of notification. The last time this happened, the fire police forwarded a bill to Bell Atlantic, however they refused to pay it. Mr. Snyder intends to submit a bill for this particular incident to Bell Atlantic for the services of Mr. Snyder, as well as two representatives from Chalfont Fire Company, and two representatives from Silverdale Fire Company. Over 23 man-hours were put into that scene to keep the intersection safe. On Chief Egly's recommendation, Mr. Snyder contacted Representative Druce, who asked that a complete report be sent to him, which will be copied to the PUC. Discussion took place.

Supervisor Bennington suggested the Township itself send correspondence to Bell Atlantic, with copies to the PUC and other State officials, advising situations such as this are unacceptable. Supervisors Bennett and Grasse agreed.

M. SUPERVISOR'S COMMENTS:

1. At a previous meeting, Supervisor Bennington mentioned the Bucks County Coalition, which was briefly discussed by the Supervisors. Even though Chairman Bennett and Supervisor Grasse did not appear interested in the group, they agreed that Supervisor Bennington could contact Ms. Betsy Helsel of Plumstead Township, a representative of the Coalition, to attend a future meeting. Supervisor Bennington confirmed that Ms. Helsel would be present at the February 22, 1999 Supervisor's meeting at 8:00PM to make a 10 to 15 minute presentation.

2. Supervisor Bennington was disturbed by what he felt was an unwarranted and unacceptable comment made by a Planning Commission member at the January 18th Planning Commission meeting.

3. Supervisor Grasse is very pleased with what is happening with the Hilltown Plaza Shopping Center, with the enthusiasm of a new business coming into the Township, and with the addition of a proposed traffic signal at an area that has been very dangerous in the past.

4. Chairman Bennett announced that he intends to run for re-election to the Board of Supervisors when the time comes. He feels the Board of Supervisors have accomplished a great deal in the last eleven years that he has served on the board – such as the construction of this municipal building, the Hilltown Civic Park, and most importantly, the cadre of Township employees. Chairman Bennett feels Hilltown Township has one of the finest Police Departments and Public Works Departments in Bucks County. Further, there has been a complete turnover in the Administrative Department, certainly for the better, during the past eleven years. The Township has gone from a chaotic financial situation to a very sound and healthy one at present. Chairman Bennett would like to continue to serve this community as a proponent of open space. There are several other important issues coming up in the future, such as the Authority contemplating a new sewer plant, the first for Hilltown Township; the relocation of the Public Works Department to a better, more modern facility within the next year; and a decision concerning the possible disposition of the former municipal building in Blooming Glen. Along with the open space program, Chairman Bennett feels one or two additional parks are needed, as well.

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

O. ADJOURNMENT: Upon motion by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously, the January 25, 1999 Supervisors 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).