

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED PUBLIC MEETING
Monday, November 23, 1998
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
C. Robert Wynn, Township Engineer
Jack Wuerstle, Township Solicitor
George C. Egly, Jr., Chief of Police
Lynda Seimes, Township Secretary

Chairman Bennett announced the Board of Supervisors publicly accepted the retirement notice of Chief George C. Egly, Jr. as of March 31, 1999. With that, Chairman Bennett announced Lt. Detective Kerry L. Trauger has been named as Hilltown Township Chief of Police, to replace Chief Egly upon his retirement.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to appoint Lt. Detective Kerry L. Trauger as Hilltown Township Chief of Police, effective upon Chief Egly's retirement as of March 31, 1999.

A. APPROVAL OF MINUTES – Action on the minutes of the October 26, 1998 Supervisor's Meeting: Supervisor Bennington noted the following correction on page 9, sixth paragraph, which should read "Motion was made by Supervisor **Bennington**, seconded by Supervisor **Grasse**, and carried unanimously to adopt Resolution #98-40 in support of the State grant being requested by the Pennridge Area Coordinating Committee for the regional greenways plan and intermunicipal project."

Motion was made by Supervisor Grasse, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the October 26, 1998 Board of Supervisor's Meeting, as corrected.

Action on the minutes of the November 9, 1998 Supervisor's Worksession Meeting – Motion was made by Supervisor Grasse, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the November 9, 1998 Supervisor's Worksession Meeting, as written.

B. APPROVAL OF CURRENT BILLING – Chairman Bennett presented the Bill's List dated November 24, 1998, with General Fund payments in the amount of \$22,251.40, Debt Service payments in the amount of \$1,000.00, State Highway Aid payments in the amount of \$216.45, and Escrow Fund payments in the amount of \$1,145.10; for a grand total of all payments in the amount of \$24,612.95.

Motion was made by Supervisor Grasse, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List dated November 24, 1998, as written.

C. CONFIRMED APPOINTMENTS:

1. Mr. Kerry Kramer – Environmental Concerns – Mr. Kramer of Callowhill Road was in attendance to discuss local environmental issues, such as the Clean Water Act, and how it affects Hilltown Township. Mr. Kramer noted the impact on the environment due to the building boom that is taking place. Supervisor Grasse shares Mr. Kramer's concern regarding water conservation. Mr. Kramer urged the Board to consider the environmental impact when new subdivisions come before the Township. Discussion took place.

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

1. Mr. Horrocks presented seven escrows for the Board's consideration:

313 Self Storage, Inc. (Silverman)	Voucher #06	\$116,631.00
313 Self Storage, Inc. (Silverman)	Voucher #07	\$ 371.59
County Line Plaza (1998)	Voucher #03	\$ 213.56
Country Roads Phases III & IV	Voucher #50	\$ 899.76
Longleaf Estates Phase I	Voucher #18	\$163,665.00
Longleaf Estates Phase I	Voucher #19	\$ 16,366.50
Orchard Glen Subdivision	Voucher #41	\$ 36,449.01

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to approve the release of the seven escrows as noted above.

2. Mr. Horrocks presented a draft of the 1999 Budget for the Board's consideration and is seeking authorization to advertise the 1999 Budget for possible adoption at the December 28, 1998 Supervisor's Meeting. The 1999 General Fund Budget is in current balance without any tax increase required in the amount of \$2.8 million dollars.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to authorize the advertisement of the proposed 1999 Budget for possible adoption at the December 28, 1998 Board of Supervisor's meeting.

3. Mr. Horrocks noted the Sunshine Law has again been revised, which will require the Board to make changes to the public meeting procedures. The new amendment requires the Board to allow a Public Comment period prior to every vote taken on an item that is not specifically listed on the agenda. Further, a Public Comment period must be made available early in the agenda for "Public Comments on Agenda Items Only."

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to adopt the revised meeting procedures to comply with the amendment to the Sunshine Law as noted above, which goes into effect on December 14, 1998.

4. The Pennsylvania Municipal Retirement System, who maintains the Township's pension plans for both Uniform and Non-Uniform employees, has allocated excess interest over and above their normally calculated interest. Mr. Horrocks is seeking Board approval to authorize an equal percentage distribution in both Non-Uniform and Uniform excess interest for 1998.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to authorize an equal percentage distribution of the excess interest of the pension funds for both Uniform and Non-Uniform pension plans.

5. Mr. Horrocks recommends that the Board authorize Ms. Ann Hutchinson of Natural Lands Trust to continue the review of the Subdivision/Land Development Ordinance to make the changes required to match those revisions created and adopted in the Zoning Ordinance dealing with cluster developments. Mr. Horrocks suggested Ms. Hutchinson work with the Hilltown Planning Commission to re-write those sections of the Subdivision/Land Development Ordinance. Supervisor Bennington wished to make it clear that this review has nothing to do with the proposed UDA ordinance that was denied.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to authorize Ms. Ann Hutchinson of Natural Lands Trust to work with the Hilltown Planning Commission to review and revise the Subdivision/Land Development Ordinance to reflect those changes made by the approval of the Zoning Ordinance amendments, specifically the amendment dealing with cluster developments, approved on October 28, 1998.

6. The Civic Association had previously requested authorization to install a display cabinet in the lobby of the Township building.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to authorize the installation of a display cabinet in the lobby of the Township building by the Civic Association.

7. On a personal note, Mr. Horrocks commented there is probably not a more active Civic Association than the Hilltown Civic Association. However, a number of times, in print, individuals have stated that the Civic Association donated the land that the current Hilltown Civic Park is located on. Mr. Horrocks wished to make it clear that the Township purchased the property where the Hilltown Civic Park is located in the amount of \$16,271.00 on May 15, 1991. While the land may have been worth ten or even one hundred times that amount, Mr. Horrocks noted the Township did pay for the land.

E. CORRESPONDENCE: None.

F. SOLICITOR'S REPORT – Mr. Jack Wuerstle, Township Solicitor's Office –

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

1. Walker Bed and Breakfast (Land Development Waiver Request) – Mrs. Jackie Walker and her architect were present at the last Planning Commission meeting to request a waiver of land development submission for her proposed six bedroom Bed and Breakfast facility to be constructed within an existing barn on her 10.25 acre property located on Bypass Road. The Planning Commission unanimously recommended waiver of land development submission, however they also expressed concern that the Zoning Ordinance permits a Bed and Breakfast in an accessory structure and requested review of this matter by the Zoning Officer.

Mrs. Walker presented drawings of the proposed Bed and Breakfast facility for the Board's review. Mrs. Walker noted there are no exterior changes to the building proposed, other than the addition of a deck off the bedrooms which is a requirement of L & I for fire safety purposes; and the addition of doors and windows.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to waive land development submission for the proposed Walker Bed and Breakfast.

2. Bob's Auto Body – Mr. Bob Pasquale attended the Planning Commission meeting and requested a waiver of land development for construction of an 18 ft. by 32 ft. pole barn addition to his existing Autobody shop located at the intersection of Cherry

Lane and County Line Road. The addition is proposed to be constructed within an area of existing impervious surface on the site. The Planning Commission unanimously recommended waiver of land development submission.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to waive land development submission for Bob's Auto Body.

3. Alff Subdivision – This minor subdivision located on Minsi Trail was submitted to the Township on August 16, 1998. The engineering review of the plan is dated August 27, 1998 and the Bucks County Planning Commission review is dated September 14, 1998. Since that time, the Township has not received any additional information/plan revisions and the applicant has not appeared before the Planning Commission. As time is expiring for action, the Planning Commission unanimously recommended denial of the plan based on outstanding items contained within the engineering review dated August 27, 1998, unless a 90-day extension is received from the applicant and the applicant or his engineer appears before the Planning Commission to present their proposal.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to deny the Alff Subdivision unless a 90-day extension is received from the applicant and the applicant or his engineer appears before the Township.

4. Nadovich Subdivision – This lot line adjustment subdivision plan located on Diamond Street was recommended for denial by the Planning Commission unless an extension is received due to the pending expiration of the review period. Subsequent to the meeting, Mr. Wynn contacted Mr. Christopher Nadovich who advised that he is not going to proceed with the subdivision, and therefore, the plan should be denied.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to deny the Nadovich Subdivision due to non-compliance with Ordinance requirements.

5. Rosenberger Subdivision – The latest extension in the review period for this subdivision located on Seven Corner Road is expiring. The Township has not received any additional plans or documents during the past six months, and the Planning Commission unanimously recommended that the plan be denied.

Mr. Dennis Rosenberger was in attendance to discuss the plan. Mr. Rosenberger informed the Board that he is now proposing a two-lot subdivision, rather than the most recently proposed three-lot subdivision. Mr. Wynn asked Solicitor Wuerstle if Mr. Rosenberger can continue with the same subdivision application, yet reduce it to a two-

lot subdivision, without being impacted by the most recently adopted cluster ordinance amendment. Solicitor Wuerstle replied the application itself pre-dates the amendment by a significant period of time, however that application was originally for five lots. Discussion took place. It was suggested that the Solicitor, the Engineer and the Manager meet to review this situation and come to a determination concerning the newly adopted cluster ordinance amendment. In the mean time, Mr. Rosenberger presented a written 30-day extension for his plan.

6. Cellular Tower Ordinance – The Planning Commission reviewed correspondence from Solicitor Grabowski, and unanimously approved a motion indicating that they are in favor of an amendment to the Zoning Ordinance to allow cellular towers on existing municipal structures located within the Village Center Zoning District.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to authorize and advertise an amendment to the Cellular Tower Ordinance to allow cellular towers to be placed on existing municipal structures located within the Village Center Zoning District.

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

1. Petteruti Small Flow Treatment Facility – Mr. Wynn advised the site of this Individual Residence Spray Irrigation System is located on Telegraph Road where there is a stand of very large mature deciduous trees along the frontage of the property. The spray irrigation system is actually located partly in the wooded area and partly within the field area of the site. The approved plan provided for a number of buffer trees to be installed along the property boundary and along the road frontage of the site. Ten trees and a split rail fence have been installed along the one property boundary. The applicant has requested that they not be required to install any additional trees. The types of trees required are evergreens, however due to the very dense shaded area on the property, Mr. Wynn does not believe evergreens would grow well.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to waive the additional plantings as required for the Petteruti Individual Residence Spray Irrigation system, as noted above.

2. Hilltown Crossings – Shortly before the completion of the 18 month maintenance period of the Hilltown Crossings Shopping Center, a landscaper for the developer mistakenly mowed the basins which contained wetland plants. At the time, the Supervisors addressed this issue by requiring the developer to deposit \$5,000.00 of cash with the Township to guarantee that the plantings would either be replaced, or as their

biologist stated, would continue to grow. In the spring of this year, it was determined that the plantings were still alive and continued to grow. Since that time, it was reported that the vegetation was still alive and is spreading. The applicant requested a release of the remaining escrow for the detention basin plantings.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to release the \$5,000.00 escrow for the detention basin plantings in the Hilltown Crossings Land Development.

Mr. Wynn noted the McDonald's Playplace at the Hilltown Crossings Shopping Center will again be before the Township. The Supervisors previously approved the Playplace with a sidewalk to be constructed. A revised plan was submitted showing the sidewalk, however there are no handicapped ramps shown over the curb. The developer must provide for handicapped accessibility to the sidewalk. This plan will be back before the Board because it was a condition of plan approval.

3. Country Roads Subdivision – Mr. Wynn gave a status report regarding completion of public improvements at the subject subdivision. The applicant requested that the Supervisors accept satisfactory completion of the 18 month maintenance period for Country Roads Phase I and to accept dedication of Phases II, III, and IV. Mr. Wynn's office conducted an inspection of the site and provided the applicant with 16 items under Phase I, 30+ items under Phase III and IV, and 28 items under Phase II that are not yet satisfactorily completed. These items are required to be completed by the end of December, 1998, however Mr. Wynn believes the applicant will be requesting an extension of the deadline since a number of these items can not be completed during the winter months.

4. Longleaf Estates Subdivision – During the installation of the sanitary sewer line, a ¼ acre area of trees was removed that was not proposed on the plan. In an effort to resolve this issue, the Township stopped issuing building permits for this subdivision. The developer has now proposed additional plantings within the open space area to mitigate the overclearing. The applicant is proposing the addition of 23 Evergreens (five ft. tall), 2 Eastern Redbuds (2 ½ inch caliper), 6 Dogwoods (seven ft. tall), 2 Honey Locusts (2 ½ inch caliper), and 2 Red Maples (2 ½ inch caliper). Discussion took place.

I. MYLARS FOR SIGNATURE: None.

J. PUBLIC COMMENT:

1. Mr. John Kachline of 529 Mill Road mentioned a coalition that was formed of Townships to the east of Hilltown who will be meeting in Harrishurg on

December 7th in an attempt to gain more control over local zoning. Mr. Kachline asked if Hilltown Township has any representatives in that coalition, and if not, he wondered why not. Mr. Horrocks explained that at the last board meeting of the Bucks County Association of Township Officials, a Plumstead Township supervisor brought this matter to their attention. Apparently, this coalition is a group of individual supervisors who have not gone through the County Association to try to procure any change. This particular supervisor presented her case at the board meeting, but the Association did not appear receptive to the idea.

2. Mrs. Alice Kachline of 529 Mill Road wished to address the comments made earlier by Mr. Horrocks concerning the Hilltown Civic Association and the donation of the ground for the Hilltown Civic Park. It was Mrs. Kachline's understanding that the land was donated to the Township for the construction of a Township park and that the Township then donated the \$16,000.00 to the Civic Association. Mrs. Kachline has no idea if this agreement was made prior to the donation of the land, however she does know that it was the mindset of the members of the Civic Association at that time to donate the land to the Township, with or without monetary compensation.

K. SUPERVISOR'S COMMENTS:

1. Supervisor Bennington noted that the Betty Kelly memorial tree still has not been planted and directed Mr. Horrocks to contact Mrs. Kelly's family immediately to establish a firm date to hold a ceremony to plant the tree.

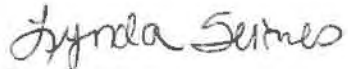
2. Supervisor Bennington advised the Zoning Hearing appeal by Heritage for the proposed farmer's market at the former C.D. Moyer site has been rescheduled from December 3, 1998 to December 17, 1998. Supervisor Bennington encouraged all of his neighbors to appear at that meeting.

3. Supervisor Bennington commended Officer John Gildea who is one of twelve police officers recently honored by the "Pennsylvania Driving Under the Influence Association" on Thursday, November 12, 1998. Honorees were selected for the Association's top gun award in recognition of the commitment to DUI enforcement.

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

M. ADJOURNMENT: Upon motion by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously, the November 23, 1998 Board of Supervisors Meeting was adjourned at 8:47PM.

Respectfully submitted,



Lynda Seimes
Township Secretary