

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
REGULARLY SCHEDULED PUBLIC MEETING  
Monday, June 22, 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 7:42PM 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  
Francis X. Grabowski, Township Solicitor  
George C. Egly, Jr., Chief of Police  
Lynda Scimes, Township Secretary

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Chairman Bennett announced the Board met in Executive Session prior to this meeting in order to discuss legal and personnel matters.

A. APPROVAL OF MINUTES: Action on the minutes of the May 26, 1998 Supervisor's Meeting: Motion was made by Supervisor Grasse, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the May 26, 1998 Board of Supervisor's Meeting, as written.

Action on the minutes of the June 8, 1998 Supervisor's Worksession Meeting: Motion was made by Supervisor Grasse, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the June 8, 1998 Supervisor's Workscsion Meeting, as written.

B. APPROVAL OF CURRENT BILLING: Chairman Bennett presented the Bill's List dated June 23, 1998 with General Fund payments in the amount of \$26,834.39, State Highway Aid payments in the amount of \$440.25, and Escrow Fund payments in the amount of \$213.09; for a grand total of all payments in the amount of \$27,487.73.

Motion was made by Supervisor Grasse, seconded by Supervisor Bennington, and carried unanimously to approve the Bill's List dated June 23, 1998.

C. CONFIRMED APPOINTMENTS:

1. Mr. John Finnegan - Papiernik Property - Mr. Finnegan of 719 Diamond Street was in attendance along with other neighboring residents to request that the Supervisors consider the re-zoning of the Papiernik property, which is presently zoned Country Residential I. Since the Papiernik property is for sale, the adjoining property

owners would prefer open space or perhaps a single family dwelling on the property, instead of high density development, which could mean townhouses or apartment buildings.

Mr. Elton Ryder of 903 Diamond Street advised one of the main reasons for this re-zoning request is because of the increased traffic in that area. Mr. Ryder stated the roads are a nightmare during rush hour and he does not believe they can handle any more congestion. Further, Mr. Ryder feels a traffic signal should be installed at the intersection of Orchard Road and Diamond Street. Chairman Bennett commented the Supervisors are very concerned about increased traffic throughout the Township.

Chairman Bennett explained the Papiernik site is private property and has been zoned as CR-I since the first Zoning laws went into effect in 1959; and it would be very difficult for the Township to change the zoning at this time. Chairman Bennett noted approximately 67% of Hilltown Township is zoned Rural Residential. Discussion took place.

Solicitor Grabowski advised the zoning for the Papiernik property has been in effect since 1959 and explained the courts in Pennsylvania have ruled that each municipality must provide for their fair share of high density housing. Historically, the areas surrounding the southern portion of Perkasio, Sellersville, and Silverdale were deemed to be the development district in Hilltown Township in 1959. Solicitor Grabowski noted the property owner has certain rights and privileges to his property and he might not be happy with the re-zoning of his land. Further, the re-zoning of that area may create an "island" which could be vulnerable to legal action. For every acre taken out of high density zoning, the Township would have to provide it elsewhere in the municipality. This is one of the reasons the Supervisors declared a zoning moratorium two months ago which will insure the Township is not vulnerable to developer lawsuits. Having grown up on Orchard Road as a child, Solicitor Grabowski empathizes with the neighboring residents and suggested the residents to share their concerns with Mr. Papiernik.

A resident asked if the Papiernik property might be considered for purchase by the Township Open Space Program. Mr. Horrocks explained the Bucks County Open Space Preservation program funds are not significant and the Township itself does not have the funds to acquire much acreage. Supervisor Bennington reminded those present that the voters rejected the Open Space Referendum question two years ago, which would have allocated \$3.8 million dollars. Supervisor Bennington lives in the center of the development district along Walnut Street and agrees that traffic is horrendous. The Supervisors urged the residents to meet with Mr. Papiernik to determine his intentions for the property.

\*Chairman Bennett called a five minute recess at 8:25PM. The regularly scheduled meeting reconvened at 8:30PM.

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

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

Bricks Villa Phase I	Voucher #38	\$ 220.73
Country Roads Phases III & IV	Voucher #43	\$ 454.13
Hilltown Hunt Subdivision	Voucher #38	\$ 968.60
<del>Adolph Jager Subdivision</del>	<del>Voucher #02</del>	<del>\$ 99.36</del>

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

E. CORRESPONDENCE - Mr. Bruce G. Horrocks, Township Manager -

1. Notification was received of the Bucks County Commissioner's meeting to be held on July 8, 1998 at Peace Valley Park.

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

1. Solicitor Grabowski advised a request has been received from Heritage Building Group that the Township and the Authority approve the substitution of a new bank as the issuer of the required Letters of Credit. Wilmington Trust of Pennsylvania is slated to replace Bank United of Houston, Texas. Solicitor Grabowski is preparing the appropriate paperwork to obtain signatures from all of the parties involved.

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

1. Active Brass Foundry - Representatives of Active Brass Foundry located on Progress Drive within the Heavy Industrial Zoning District were present at the last Planning Commission meeting to request a waiver of formal land development submission for the construction of a 670 sq. ft. office addition to the front of their building. The site is connected to public water and sewer facilities provided by Telford Borough Authority. The proposed addition complies with Zoning Ordinance setback requirements. The Planning Commission unanimously recommended waiver of land development submission.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to approve the request for formal land development submission for Active Brass Foundry.

2. Hipple Subdivision - By a majority vote, the Planning Commission recommended final plan approval for this three lot subdivision located on Green Street, subject to the following conditions:

- Ultimate right-of-way area of Green Street and Mill Road must be dedicated to Hilltown Township as offered by note on the plan.
- Concrete monuments along the right-of-way of Green Street must be guaranteed to be installed within the financial security agreement for public improvements. Balance of monumentation must be installed and certified in writing by the responsible surveyor prior to plan recordation.
- Financial security/development agreement must be executed between the developer and Township to guarantee installation of all required improvements.
- The existing shed encroaching onto Lot #3 from the adjoining property of James and Denise Hofmann must be removed/relocated to comply with the accessory building setback requirements. Removal of the shed must be included as a condition of the development agreement executed with the applicant.

Discussion took place concerning the amount of escrow and the time frame the applicant should be granted to remove the shed.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to grant final plan approval to the Hipple Subdivision, pending completion of all outstanding items as noted in Mr. Wynn's engineering review, and with the stipulation that the shed on the property line must be removed within nine months, with the escrow amount to be determined by the Township Engineer.

3. Amspacher Act 537 - The Planning Commission unanimously recommended approval of the Act 537 Plan revision for installation of a small flow treatment plant to replace a malfunctioning septic system for a single family home located at the intersection of Green Street and Hilltown Pike. A DEP "Resolution for Plan Revision" with all appropriate agency reviews has not yet been submitted for Board

of Supervisors consideration, however, the Amspacher Act 537 has been included on the agenda to request Board authorization for the Township Solicitor to prepare the required operation and maintenance agreement.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to authorize the Township Solicitor to prepare the required operation and maintenance agreement for the Amspacher Act 537 Revision.

4. Calvary Church - The offer of a donation of \$20,000.00 towards the cost of improvements at the intersection of Bethlehem Pike and Rt. 113 has been received from Calvary Church via correspondence dated June 17, 1998.

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Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to grant preliminary plan approval to Calvary Church and to accept the donation of \$20,000.00 for improvements at the intersection of Bethlehem Pike and Rt. 113.

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

1. Subdivision/Land Development Ordinance Amendment - A draft Subdivision and Land Development Ordinance amendment was recommended by the Planning Commission to be forwarded for Supervisor's authorization to advertise and forward to the Bucks County planning Commission for review. The amendment addresses design requirements regarding stormwater management, "fee in lieu of" stormwater management and "fee in lieu of" recreational land, among other items. The Planning Commission recommended that the Ordinance be revised to include a play structure design standard which is currently being researched.

Additionally, prior to forwarding the Ordinance to the Bucks County Planning Commission, proposed Section 805 - Recreation "Fee in Lieu Of" Dedication will be revised to indicate that the fee will be established by separate Resolution such that the fee may be revised from time to time without Ordinance adoption. The Planning Commission also requested that input be received from other municipalities to determine what fees are currently being collected. Data regarding same has been collected from other Bucks County communities.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to forward the above noted revisions to the Subdivision/Land Development Ordinance to the Bucks County Planning Commission for review.

2. Longleaf Estates - Mr. Wynn advised this plan was approved subject to the installation of curb and widening along Orchard Road from Orchard Station to Diamond Street, and along Diamond Street for the entire frontage of the site. One of the conditions of final approval is that a pedestrian bridge be constructed adjacent to the existing County bridge located on Orchard Road. Following review by the County bridge engineers, the applicant has revised the plan and proposed a freestanding pedestrian bridge located upstream, just outside the County bridge right-of-way within the Township open space. The newly proposed pedestrian bridge is the same identical structure as originally proposed which will be 6 ft. wide painted steel with a pressure treated wood deck.

I. MYLARS FOR SIGNATURE:

1. Martin Subdivision
2. Valdez Subdivision

J. PUBLIC COMMENT:

1. Mr. John Perritt of Pleasant Meadows asked if sidewalks are proposed along the entire length of Orchard Road from the bridge down to Orchard Station. Mr. Wynn replied that there will be sidewalks from Orchard Station where the curbs terminate, to the intersection with Diamond Street, and then around the corner along Diamond Street to the end of the property.

2. Mrs. Jean Bolger questioned the wood decking proposed on the pedestrian bridge and the difficulty in maintenance of wood decking versus concrete decking. Discussion took place.

3. Mr. Curtis States of 114 Seven Corner Road was in attendance to discuss the Rosenberger Subdivision. According to the minutes of the May 26, 1998 Supervisors meeting, the Supervisors were to render a decision at this meeting regarding Mr. Rosenberger's request of a waiver of overlay of the road. Mr. States is not necessarily concerned about the overlay, however he would like the issue of the Rosenberger Subdivision to be finalized due to the erosion that takes place on his property from the proposed subdivision.

Mr. Wynn explained the Subdivision Ordinance has a requirement that along the frontage of a development site the road must be overlaid, in addition to the installation of street improvements such as cartway widening, curbs, sidewalk, etc.. When Mr. Rosenberger proposed to go from six lots to three lots, he requested a number of waivers, including curb, cartway widening, and sidewalk, which had been recommended for approval by the Planning Commission. By reducing the number of lots, Mr. Rosenberger was no longer required to connect to public water. Further, Mr. Rosenberger agreed to deed restrict the



property so that it could not be subdivided in the future. One item the Planning Commission, by a split vote, did not recommend for waiver was the cartway overlay. The reason this requirement is so expensive for the applicant is because this is a re-subdivision of a subdivision that had a note on the plan stating "Any further subdivision of this property will require street improvements from the site on Seven Corner Road to Blooming Glen Road." Therefore, Mr. Wynn explained, the required cartway overlay will be required not only along the frontage of the site, but all the way out to Blooming Glen Road.

Mr. States noted the erosion situation on his property is becoming progressively worse each time it rains. Discussion took place.

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Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to require the developer of the Rosenberger Subdivision to overlay the frontage of his three lot subdivision only; and to waive the requirement for the overlay of Seven Corner Road from his frontage to Blooming Glen Road.

K. SUPERVISOR'S COMMENTS:

1. With regard to Recommendation #98-4 from the Park and Recreation Board, motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to donate \$100.00 to Pennridge Community Day.

2. Supervisor Bennington read correspondence from Chief Egly commending a Hilltown Police Officer for his recent efforts in apprehending vandals at the Deep Run Valley Sports complex. Supervisor Bennington believes that Hilltown Township police officers are the best in Bucks County, and his fellow Supervisors agreed.

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 June 22, 1998 Board of Supervisor's meeting was adjourned at 9:17PM.

Respectfully submitted,



Lynda Seimes  
Township Secretary