

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, March 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
 Francis X. Grabowski, Township Solicitor
 C. Robert Wynn, Township Engineer
 George C. Egly, Chief of Police
 Lynda Seimes, Township Secretary

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

A. APPROVAL OF MINUTES: Action on the minutes of the March 9, 1998 Worksession meeting: Motion was made by Supervisor Grasse, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the March 9, 1998 Worksession meeting, as written.

B. APPROVAL OF CURRENT BILLING: Chairman Bennett presented the Bills List dated March 24, 1998, with General Fund payments in the amount of \$33,623.08, State Highway Aid payments in the amount of \$1,512.00, and Escrow Fund payments in the amount of \$138.88; for a grand total of all payments in the amount of \$35,273.96.

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

C. CONFIRMED APPOINTMENTS:

1. Mrs. Jackie Walker - Barn Preservation - Mrs. Walker was present to discuss preservation of historic barns in Hilltown Township, and to ask the Board to consider the adoption of an Ordinance to encourage the preservation of barns through alternate uses for these work structures. Mrs. Walker presented information for the Supervisor's review. Mrs. Walker suggested that more varied uses be permitted for home occupations in barns. At present, home occupations are permitted in barns, however the size is limited to 600 square feet of the first floor or accessory building. Mrs. Walker commented that barns are the castles of America, which are truly the last remnant of our rural heritage. It has become too costly to maintain historic barns because so few

feasible uses exist. Mrs. Walker presented a list of possible uses for barns, including storage warehouses, dwellings, and home occupations. If a barn preservation ordinance were to be adopted, this would allow the full barn area to be utilized by the property owner. Further, Mrs. Walker suggested that the ordinance be limited to historical barns only and possibly limit the barn uses to the arts only. Mrs. Walker noted the adoption of such an ordinance would provide incentive for barn owners to find a viable solution to maintain them.

Personally, Chairman Bennett is very sympathetic to Mrs. Walker's argument concerning barn restoration. From surveying a small portion of Hilltown Township several weeks ago, Chairman Bennett believes there are approximately 200 historic barns in this municipality. These barns were originally constructed for farm use with several hundred acres of land to support. Unfortunately, there are very few large land parcels remaining in Hilltown Township today in excess of 100 acres and therefore, the farmers can no longer use the barns profitably.

Supervisor Grasse agreed that this is a wonderful cause, however this type of proposal is not conducive to the present zoning laws and those laws would have to be revised to accommodate an ordinance as suggested by Mrs. Walker. If revisions were made, Supervisor Grasse commented there could be commercial businesses running as "home occupations" in order to make full use of barns in zoning districts that are not zoned for commercial uses. Supervisor Grasse cited the Township's lack of control over zoning districts if such an ordinance were to be adopted. Discussion took place. Chairman Bennett advised the Supervisors will give Mrs. Walker's proposal every consideration.

2. Mr. Mark Cappuccio - Rovin' Restaurants - Mr. Horrocks advised that Mr. Cappuccio canceled his appointment for this evening.

3. Officer Frank Dilworth - Hilltown P.B.A. - Officer Dilworth, representing the Hilltown Township Police Benevolent Association, read correspondence signed by members of the Hilltown Police Department recommending the appointment of Detective/Lieutenant Kerry Trauger to the position of Police Chief following the retirement of Chief Egly in early 1999. A copy of the correspondence is attached to these minutes.

Chairman Bennett thanked the P.B.A. for their presentation and was pleased to know that Lt. Detective Trauger is held in such high regard by his fellow officers. Chairman Bennett commented Lt. Trauger will be given every consideration for appointment to the position of Chief of Police.

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

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

Bricks Villa Phase II	\$ 821.49
Country Roads Phases III & IV	\$ 351.50
Off-the-Wall	\$ 258.89
Longleaf Estates I	\$2,889.50

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

2. Mr. Horrocks presented a proposal to waive the building permit requirements for residential storage sheds less than 250 square feet without a permanent foundation. This recommendation is being made because the BOCA Code itself addresses this issue as if storage sheds of this size are not considered a building structure. A zoning permit would still be required.

Motion was made by Supervisor Grasse, seconded by Supervisor Bennington, and carried unanimously to waive building permit requirements for residential storage sheds less than 250 square feet without a permanent foundation.

3. Mr. Horrocks explained advertised bids for asphalt and aggregate were opened this afternoon from two different companies. Both bids were inappropriately returned to the Township and Mr. Horrocks is requesting that the Board reject and seal all bids and authorize the re-advertising of both proposals.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to reject and seal bids #98-1 and #98-2 for asphalt and aggregate; and to authorize the re-advertisement of both bids.

4. A request has been received from the Pennridge Area Coordinating Committee/Bucks County Planning Commission, who is about to generate future reports which will be charged to the Pennridge Area Coordinating Committee. Based upon size and population, Hilltown Township's share of this cost would be \$900.00.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to authorize the expenditure of \$900.00 for the planning services agreements between the Pennridge Area Coordinating Committee and the Bucks County Planning Commission.

5. The Supervisors recently directed the Hilltown Township Authority review a request by an individual located on Callowhill Road. A written response from the Hilltown Authority has been received recommending that the site located on Callowhill Road would be more feasibly served by the Perkasio Borough Authority. Mr. Horrocks is seeking Board authorization for the Township Engineer to enter into discussions with Perkasio Borough Authority and to also enter into an agreement with Perkasio Borough Authority to service this site located on Callowhill Road.

Mr. Wynn explained that PennDot is proposing to pave Callowhill Road within the next two months. Further, Perkasio Borough Authority will be improving water and sewer lines on Callowhill Road in Perkasio Borough and East Rockhill Township. There is a sketch plan of a subdivision at the top of the hill on Callowhill Road, which is the reason the request was reviewed by the Hilltown Authority. Perkasio Borough Authority would like to proceed to extend the sewer lines to that property boundary at this time in anticipation of a possible subdivision and realizing that under PennDot requirements of the overlay, it would be very difficult to extend the sewer after paving takes place. Solicitor Grabowski advised it may be appropriate to entertain a motion to allow for service by Perkasio Borough Authority for the former Wisler Subdivision property only.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to allow Perkasio Borough Authority to extend the public sewer line to the Wisler Tract located on Callowhill Road, as noted above.

6. Mr. Horrocks is seeking Board authorization to place newspaper advertisements for the position of Chief of Police.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to authorize the advertisement of the position of Chief of Police/Director of Public Safety, with applications to be received no later than Friday, May 1, 1998.

E. CORRESPONDENCE: None.

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

1. Solicitor Grabowski presented a Small Flow Treatment Facility Agreement for Mr. and Mrs. David Rosenberger for the Board's approval. This agreement will allow for the installation of a small flow treatment facility at the Rosenberger property located on Callowhill Road.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to accept the David Rosenberger Small Flow Treatment Facility Agreement.

2. Solicitor Grabowski presented a Small Flow Treatment Facility Agreement for Mrs. And Mrs. James Mini. This agreement will allow for the installation of a small flow treatment facility at the James Mini property located on Rt. 313.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to accept the James Mini Small Flow Treatment Facility Agreement.

3. Solicitor Grabowski presented a Declaration of Easement for acceptance from PECO Energy for their minor subdivision located on Rt. 152.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to **adopt Resolution #98-20, to accept the Declaration of Easement for the PECO Energy Subdivision located on Rt. 152.**

4. Solicitor Grabowski presented a Declaration of Easement for acceptance for the Jay Landis Subdivision. In addition, this particular subdivision requires a cash escrow agreement to guarantee the installation of driveway improvements. The total escrow is in the amount of \$1,150.00.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to **adopt Resolution #98-21, to accept the Declaration of Easement for the Jay Landis Subdivision.**

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to accept the cash escrow agreement for the driveway improvements for the Jay Landis Subdivision, as noted above.

5. Solicitor Grabowski explained that the original maintenance agreements for the Kenneth Beer Subdivision located on Twinbrook Road were recorded before new tax parcel numbers were assigned to individual lots. These agreements must be amended to reflect the new tax parcel numbers in effect.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to accept the amended treatment plant maintenance agreements for the Beer Subdivision located on Twinbrook Road

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

1. Silverman Family Partnership - The Planning Commission unanimously recommended final plan approval the this proposed mini storage facility located on Rt. 313, conditional upon the following being accomplished:

- Water resources impact study, required in accordance with Section 408 of the Land Development Ordinance, is waived conditional upon the completion of an individual on-lot well test/certification in accordance with standards specified by Section 519.3. Requirements of Section 519.3.B. include a 4 hour pumping test and water sampling. If not completed prior to final plan approval, well certification requirements must be included in the Developer's Agreement.
- Verification of approval of the proposed holding tank for sewage disposal must be received from the Bucks County Department of Health. Additionally, a holding tank agreement and financial security for same, must be executed between the developer and Hilltown Township, pursuant to Ordinance #93-1.
- A highway occupancy permit must be received from PennDot for the proposed site entrance and roadway improvements along Rt. 313. Copies of plans and/or profiles submitted to PennDot for issuance of the highway occupancy permit must be submitted to the Township for review.
- Verification of approval of erosion and sediment control facilities must be received from the Bucks County Conservation District.
- Comments included within Engineering/Drafting details regarding stormwater management control must be addressed before facilities may be considered adequate.
- Plan must be submitted to the fire marshal and servicing fire company for comment on site accessibility and proposed fire fighting facilities.
- Site illumination plan, including location of fixtures and isolux contours, must be submitted for review.
- Financial security/development agreements must be executed between the developer and the Township to guarantee installation of required improvements. Opinion of cost sealed by the responsible professional engineer, should be submitted for review.
- Items contained within the engineering and drafting detail review must be addressed on the plan.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to grant final plan approval to the Silverman Family Partnership Land Development pending completion of all outstanding items as noted above.

2. Hilltown Plaza Shopping Center - Mr. Ross Weiss and Mr. Nelson Trimmer, of Ahold Industries, along with Ms. Crystal Gilcrest of Pennoni Engineering, were in attendance to present the plan. The plan before the Board this evening shows a relocation of the driveway entrance. The proposed driveway entrance is intended to make an intersection with a driveway from the Souderton Shopping Center which is located across the street from the site. The relocated driveway will provide for a "T" intersection with a traffic signal to be approved by PennDot. The traffic signal will be installed at the developer's expense as part of the development project and improvements, for which an escrow will be established. The two outparcels will remain vacant after they have been created. The driveway into the site has a small island in between it. The deceleration/acceleration lanes to enter and exit the site are shown on the plan as well. Discussion took place.

The Planning Commission unanimously recommended preliminary/final plan approval for reconstruction of the former Jamesway department store and site entrance improvements conditional upon the following being accomplished:

- Access to the site is proposed via a relocated entrance opposite the Souderton Shopping Center entrance on Rt. 113. The proposal includes revisions to traffic lanes on Rt. 113, widening along the frontage of the site, and installation of a traffic signal. An improvement plan for the intersection and Rt. 113 must be prepared in accordance with PennDot requirements for submission to PennDot for a highway occupancy permit. Additionally, the design engineer must prepare a condition diagram for submission to PennDot for the proposed traffic signal. All costs associated with the design, permitting, and construction of the Rt. 113 entrance improvements and signalization is the responsibility of the applicant and be guaranteed via the developer/financial security agreements. Occupancy of the proposed Giant Food Store will not be permitted prior to installation of the relocated entrance and traffic signal.
- Development of outparcels #1 and #2 is not proposed by the submitted plan. (Outparcel #2 will continue to provide additional parking spaces at this time for the main shopping center). Note must be included on the plan providing that future development of Outparcels #1 or #2 will require submission of land development plans for review and approval by Hilltown Township.
- A significant amount of trash and debris is located within the "brush area" along the side and rear perimeter of the site. In accordance with Section 502.7. of the Land Development Ordinance, all discarded material shall be removed from land proposed to be subdivided or developed, and disposed of properly.

- Correspondence dated December 18, 1997 has been received from the Telford Borough Authority indicating that sewer capacity of 4,992 GPD is available for the site without purchasing additional EDU's (which are not available at this time). Prior to issuance of a building permit for this site, Township must receive written verification from the Telford Borough Authority that sewage service for the proposed Giant Food Store is available.
- Verification of approval must be received from the Telford Borough Authority indicating public water availability and acceptance of revisions to the public water lines as shown on the plan.
- Verification of approval of proposed erosion and sedimentation control measures to be implemented during construction activity must be received in writing from the Bucks County Conservation District.
- Development/financial security agreements must be executed between the Township and applicant to guarantee required improvements including, but not limited to, erosion and sedimentation control, landscaping, Rt. 113 improvements, traffic signal, etc..
- Internal access must be revised and plantings relocated on-site. Internal access revision will include installation of curb and landscaping to channel vehicles to various locations of the parking area.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to grant preliminary/final plan approval to the Hilltown Plaza Shopping Center Land Development, pending completion of all outstanding items as noted above.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to **adopt Resolution #98-22 to forward the Highway Occupancy Permit Application to PennDot for the traffic signal at the Hilltown Plaza Shopping Center.**

3. Hipple Subdivision - This three lot subdivision located at the intersection of Mill Road and Green Street was recommended for preliminary plan approval conditional upon the following being accomplished:

- The stormwater management report includes a summary of flow rates which indicates surface run-off from the site will decrease in a range of $0.6\pm$ to $1.0\pm$ cfs for the entire range of storm events from the 2 year through the 100 year occurrence. The calculations for run-off curve number on pages 3 and 33 include an assumption by the design engineer that existing lawn will improve from fair

conditions (50% to 75% grass cover) to good conditions (<75% grass cover). This assumption results in a lower run-off curve number for the drainage shed despite the increased impervious area (i.e. the amount of lawn improvement is enough to offset the effects of additional impervious area).

The narrative must be revised to include the criteria used to establish the existing lawn classification, and the plan must be revised to delineate that area which the design engineer is considering improved lawn. (Inspection of the site indicates existing coverage appears to be adequate). The narrative must also include a discussion of conclusions relative to the drainage shed impacts and requirements for stormwater management control.

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- Planning module approval for on-site septic disposal must be received from the Township, Bucks County Department of Health, and PADEP. Modules should be submitted to the Township for review.
 - Ultimate right-of-way area of Mill Road and Green Street will be accepted by the Township as offered by Note #8 on the record plan. Legal descriptions for same, signed, and sealed by the responsible surveyor, must be submitted for review.
 - Verification of approval of proposed erosion and sediment control facilities must be received in writing from the Bucks County Conservation District.
 - Concrete monuments along the ultimate right-of-way of Green Street (where drainage and grading improvements will occur) must be guaranteed to be installed within the financial security agreements for public improvements. The balance of property monumentation must be installed and certified in writing by the responsible surveyor prior to plan recordation.
 - Financial security/development agreements must be executed between the developer and Township to guarantee installation of required improvements. Opinion of cost as sealed by a professional engineer must be submitted for review.
 - Items contained within the engineering and rafting detail review must be addressed on the plan.
 - The existing shed encroaching onto Lot #3 must be removed.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to grant preliminary plan approval to the Hipple Subdivision, pending completion of all outstanding items as noted above.

4. Zoning Ordinance Revision - At their last meeting, the Planning Commission unanimously recommended that the Board of Supervisors proceed with a Zoning Ordinance Amendment which would revise the Ordinance to prohibit the Use C-13, Nursing Home, within the Rural Residential Zoning District. In consideration of the proposal for construction of a nursing home on Swartley Road on property currently zoned Rural Residential, the Planning Commission also recommended that the Swartley Road parcel be revised to Planned Commercial - 1 and be included as an area for public sewer facilities as part of the Act 537 Revision.

The Supervisors agreed to table this issue pending notification of the developer of the previously submitted plan for the property located on Swartley Road.

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

1. Hilltown Crossings - The maintenance period for this land development currently ends on April 1, 1998. Mr. Wynn explained there are a few outstanding items to be accomplished which are rather minor in nature. Early last fall, the developer mistakenly mowed a majority of the wetland plants in the basins. The developer's wetland expert investigated the site and determined that many of the plants will survive, however those that won't will be replaced later this spring. Recognizing that a longer time period will be required for plant replacement, Mr. Wynn suggested that the developer consider establishing a cash escrow deposit with the Township rather than a further extension of the letter of credit. Correspondence dated March 23, 1998 was received from the developer indicating they will forward a check in the amount of \$5,000.00 to be held until the final maintenance items are completed, and that this cash escrow would permit the Nations Bank Letter of Credit to be released.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to accept the \$5,000.00 cash escrow from the Hilltown Crossings Land Development and if it is not received prior to April 1, 1998, the developer will be declared in default; and to release the Nations Bank Letter of Credit upon receipt of the \$5,000.00 cash escrow.

I. LINENS FOR SIGNATURE:

1. Ken-Jan Subdivision
2. Lederach/Balmer Subdivision
3. PECO Subdivision (Re-date)

J. PUBLIC COMMENT:

1. Mr. Paul Lapinski of Middle Road believes Mrs. Walker's cause concerning the preservation of barns is worthy, however he feels there are certain things that the Township must be mindful of. Mr. Lapinski lived in Lancaster County for several years where there is an Agricultural Support Zone which allowed certain home or farm occupations to be conducted in barns. Mr. Lapinski is an attorney and while living in Lancaster County, litigated a case involving a property owner using his barn as a fabricating shop that eventually evolved into a furniture manufacturing facility employing nine people with 14,000 sq. feet of manufacturing. After numerous complaints from the neighbors due to increasing truck traffic, the property owner was finally prohibited from operating a business in his barn. If there is not enough strict control, Mr. Lapinski envisioned the same scenario taking place in Hilltown Township. Discussion took place.

2. Mr. Dan O'Connell, design consultant for Mr. David Rosenberger's small flow treatment facility, advised that this plan requires an Act 537 Revision in order to proceed.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to **adopt Resolution #98-23 for the Rosenberger Act 537 Revision.**

3. Mr. Al Hiller, owner of the Hilltown Country Store, is an avid supporter of the Hilltown Township Police Department. Mr. Hiller appealed to the Supervisors to consider the appointment of Lt. Detective Kerry Trauger, a life long resident of Hilltown Township, to the position of Police Chief. Mr. Hiller cited neighboring communities that, in the past, have hired police chiefs from outside the area who, in turn, have used those positions as stepping stones to more prominent jobs elsewhere. Mr. Hiller supports the Hilltown P.B.A. and feels that Lt. Detective Trauger is the right man for the job.

4. Mr. John Snyder, chairman of the Zoning Hearing Board, requested Board authorization for all Zoning Hearing Board members to attend a PSATS sponsored training session. The cost is \$25.00 per person.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to authorize the attendance of the Zoning Hearing Board members at the PSATS sponsored training seminar, as noted above.

K. SUPERVISOR'S COMMENTS:

1. Supervisor Bennington wished to elaborate further on comments he made at the last Worksession meeting regarding drunk drivers. Supervisor Bennington recalls

that the Manager was directed to forward a letter to local representatives and he himself intends to call all the local representatives concerning this important matter. Supervisor Bennington is very concerned about motorists driving drunk through Hilltown Township.

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 March 23, 1998 Board of Supervisors meeting was adjourned at 9:20PM.

Respectfully submitted,



Lynda Seimes
Township Secretary



HILLTOWN TOWNSHIP POLICE OFFICERS' BENEVOLENT ASSOCIATION

Post Office Box 260, Hilltown, Pa. 18927-0260
Area Code 215-453-6015

" A Fraternal Organization By And For The Police Officers Of Hilltown Township, Bucks County, Pennsylvania "



Hilltown Township
Board of Supervisors
P.O.Box 260
Hilltown, PA 18927

Dear Members of the Board;

We, the members of the Hilltown Township Police Department would like to take this opportunity to address the retirement of George C. Egly, Jr. as Chief of Police of this department.

This change of command will impact directly upon the township, the residents and the police department and we feel that it is vital to have our input into this impending change.

It is the position of this department that Detective/Lieutenant Kerry Trauger should have the opportunity to assume command responsibility for the Hilltown Township Police Department. We base this decision on several factors; Lieutenant Trauger has lived in this community his entire life, Lt. Trauger has a proven record of operating the Hilltown Township Police Department in the absence of Chief Egly and he has performed in an exemplary fashion during these periods especially during the investigation, arrest and conviction of Eric Motis.

Lt. Trauger has the complete confidence of the personnel of the Hilltown Township Police Department and he is extremely well respected by the heads of the surrounding law enforcement agencies. This position entails a great deal of inter-personal Dealings and we feel that Lt. Trauger excels in this area. He has been active, for many years as the coordinator for the multi-jurisdictional drug investigations in the Upper Bucks area, with many large drug arrests and forfeitures as a result of these activities.

Finally, due to the probationary period involved in this position, we feel that the township would have everything to benefit from the promotion of Lt. Trauger, without any of the hazards posed by hiring an unkuown individual.

William Feyler
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