

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

Chairman Bennett announced the Board met in Executive Session with the Township Solicitor prior to this meeting in order to discuss legal matters.

A. APPROVAL OF MINUTES: Action on the minutes of the January 26 1998 Supervisor's Meeting - Supervisor Bennington noted that Mr. Peter **Retzlaff's** name was spelled incorrectly throughout the discussion under the "Confirmed Appointments" section of the minutes.

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

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

B. APPROVAL OF CURRENT BILLING: Chairman Bennett presented the Bill's List dated February 24, 1998, with General Fund payments in the amount of \$44,054.76, State Highway Aid payments in the amount of \$6,480.10, and Escrow Fund payments in the amount of \$5,481.01; for a grand total of all funds in the amount of \$56,015.87.

Motion was made by Supervisor Grasse, seconded by Supervisor Bennington, and carried unanimously to approve the Bill's List dated February, 24, 1998.

C. CONFIRMED APPOINTMENTS:

1. Mr. Dan Shannon - Sketch Plan - Mr. Shannon, representing Trefoil Development Company was in attendance to discuss a sketch plan for a 31 lot single family home development on Rt. 113 within the Rural Residential Zoning District, south of Calvary Church. The 50+ acre site is proposed to be subdivided with construction of a P-loop street. Mr. Shannon specifically questioned the Township policy on public sewer connection to service this site, noting that the parcel is located within the Telford Borough Authority jurisdictional limits in the Rural Residential Zoning District. The Planning Commission, who reviewed this proposal at their last meeting, took no formal action, but indicated that the site should be tested for on-site sewage disposal, and, if the development were to proceed, either the Zoning Ordinance and/or the Township Act 537 Plan would require revision.

Mr. Shannon does not believe the first alternative to consider the construction of on-lot sewer systems is feasible for these lots. All indications are that the soils will not be suitable, however the applicant will have a soil scientist evaluate and test the soil.

The second alternative is for the site to connect to the existing public sewer which is located on the Calvary Church property, which would require an easement as well as an Act 537 Plan Revision.

The third alternative would be to connect to the Township's own proposed sewage treatment plan, should it be constructed.

If need be, Mr. Shannon asked if the Township would be agreeable to allowing the extension of public sewer into the Rural Residential Zoning District via an Act 537 Revision. Mr. Shannon met with D.E.P. representatives and understands that the current moratorium will be resolved in a timely manner.

It is Supervisor Bennington's opinion that the applicant should conduct perk tests on the sites to determine whether or not on-site systems would be feasible. Further, Supervisor Bennington asked if Telford Borough Authority has capacity available to provide sewer service to this site. Mr. Shannon had appeared before the Telford Borough Authority approximately 10 months ago, and received correspondence indicating that if the applicant installed chimney seals in a certain number of manholes, they could provide capacity. Most recently, Mr. Shannon spoke with Mr. Feindler, the former acting manager of T.B.A., who indicated there is a moratorium as far as tying into the Pennridge Wastewater Treatment System, however if the moratorium were to be lifted by D.E.P. the alternative of installing chimney seals in manholes would be feasible. It is Supervisor Bennington's understanding that D.E.P. determined there was no additional capacity at

all. Mr. Shannon noted that D.E.P. is currently stating there is a moratorium while they evaluate reports from the Pennridge Wastewater Treatment Authority.

Solicitor Grabowski is aware of correspondence that will be issued by D.E.P. to all member municipalities of the Pennridge Wastewater Treatment Authority that suggests 34 E.D.U.'s will be released to P.W.T.A. to serve six municipalities. Of those 34 E.D.U.'s, Solicitor Grabowski does not know how many Telford Borough Authority may receive. Solicitor Grabowski reminded the Board that the Township is in the process of an entire Act 537 Update, and it may be appropriate for the Township Engineer to provide a status report of same. As it affects this particular parcel, Mr. Wynn does not believe there will be a significant change to the Act 537 Update since it is located in the Telford Borough Authority area of jurisdiction. In the event the applicant makes application for an Act 537 Revision request, Mr. Wynn advised the first step is to determine whether or not on-site sewage disposal can be achieved and if that is not possible, the second step is to investigate a community system to compare that with the benefits of connection to the Telford Borough Authority system.

Even if Hilltown Township constructs a sewage plant within the next two years, Supervisor Bennington noted the applicant could not directly connect with the Hilltown Sewage Plant. The Telford Borough Authority would have to make that request since the site is located within their service area of jurisdiction.

It is Mr. Shannon's concern that Hilltown Township's past policy has been to prohibit extension of public sewer into the Rural Residential Zoning District. Supervisor Grasse agreed with Supervisor Bennington that the applicant must first exhaust all other options before applying for an Act 537 revision to allow public sewer in the Rural Residential District. Supervisor Grasse asked how much road frontage is available on this site. Mr. Shannon replied there would be a 50 ft. access for a P-loop street. Chairman Bennett asked if there is any possibility that a second egress would be available to the site. Mr. Shannon does not believe it is possible to have a second access to Rt. 113, however there is the possibility to extend a right-of-way to the property line to ultimately tie into another street for access. Discussion took place.

2. Mr. John Konick - Sketch Plan - Mr. Konick presented a sketch plan for a 72,000 sq. ft. nursing home (Use C13) to be constructed within the Rural Residential Zoning District on Swartley Road, immediately northeast of the Planned Commercial I Zoning District which fronts along Rt. 309. Mr. Konick is seeking direction regarding the extension of public sewer service, noting that Hatfield Township Municipal Authority sewers are located several hundred feet south along Rt. 309 (at the Hilltown Crossings Shopping Center) and could be extended to serve the site, as well as neighboring parcels currently using holding tanks. Mr. Konick understands the Township policy with respect

to extending public sewer to the Rural Residential Zoning District, however a C13 use is permitted within the Rural Residential Zoning by the Zoning Ordinance and is required to connect to public sewer. When this proposal was made to the Planning Commission, Mr. Konick was advised that either the Township Zoning Ordinance or the Act 537 Plan would require amendment in order to permit the proposed development.

Mr. Konick explained the proposed site will take access from Swartley Road, with a small caretaker's cottage/control booth on the left side of the driveway. The driveway will then go through a covered bridge which will be designed for emergency vehicle access, into the nursing home complex itself. The proposed nursing home structure will contain three wings and will be surrounded by trees on all sides. A detention basin is proposed near the covered bridge entrance to the site. The driveway will continue around the entire site, with a portico which will also be designed to accommodate emergency vehicles, in the rear.

Supervisor Bennington asked Mr. Wynn how this proposal differs from Mr. Shannon's earlier proposal. Mr. Wynn explained that a C-13 Use is for a Nursing Home, which is permitted in the Rural Residential Zoning District, and also specifically requires both public water and sewer, including within the Rural Residential Zoning District. Therefore, unlike the previous discussion where there is an obligation to prove that public sewer is the only alternative to development, in this case, it is the only alternative because it is a requirement.

Mr. Konick advised Mr. Wally Rosenthal, neighboring property owner, is present this evening as a participant to extend the public sewer up to and including his property. Mr. Wynn noted part of the Act 537 Revision that is under review by the Township contains provisions to provide public sewer to Mr. Rosenthal's site and all along Rt. 309.

Supervisor Bennington believes Mr. Konick's request for public sewer for this proposal is certainly valid, and Supervisors Bennett and Grasse agreed. Mr. Wynn recommended the applicant provide an Act 537 Revision Plan along with a preliminary land development plan submission for the site, and the Supervisors agreed.

Discussion took place concerning the proposed covered bridge. Mr. Konick was agreeable to propose a standard bridge if the fire chiefs in attendance were not comfortable with a covered bridge.

Supervisor Grasse was concerned about the single proposed access to the site onto a major highway such as Rt. 309. Mr. Konick advised there is a traffic signal planned at that particular intersection by a developer in Hatfield Township, who is developing the property on the opposite side of Rt. 309.

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

1. Mr. Horrocks presented eleven escrow releases, with one being cash held by the Township:

Bricks Villa Phase I	Voucher #35	\$ 443.86
Country Roads Phase II	Voucher #38	\$ 164.93
Country Roads Phases III & IV	Voucher #38	\$ 344.45
Country Roads Phases III & IV	Voucher #39	\$ 6,423.30
Country Roads Phases III & IV	Voucher #40	\$10,413.62
Estate at Tall Oaks	Voucher #01	\$ 1,350.86
Gray Subdivision	Voucher #02	\$ 3,375.00
Hilltown Hunt Subdivision	Voucher #36	\$ 291.98
Longleaf Estates Phase I	Voucher #01	\$ 1,238.53
Off-the-Wall	Voucher #3B	\$ 9,024.75
Quiet Acres	Voucher #12B	\$ 350.36

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

2. Mr. Horrocks is seeking Board authorization to advertise bids for asphalt and aggregate.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to authorize advertisement of bids for asphalt and aggregate.

3. Mr. Horrocks is seeking Board authorization to advertise a bid for a tandem paving roller for which funds have been budgeted in 1998.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to authorize advertisement of bid for a tandem paving roller.

4. Only one interested applicant has applied for the vacancy on the Park and Recreation Board. It was recommended that Mrs. Nancy Gillespie be appointed to a five year term on the Hilltown Township Park and Recreation Board.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to appoint Mrs. Nancy Gillespie to a five year term on the Hilltown Township Park and Recreation Board.

5. At the last Fire Prevention Bureau Meeting, discussion took place concerning widths and weights of bridges that the Township should require in future subdivisions and/or land developments. It was recommended that bridges should be 10 feet wide and should carry a maximum of 50,000 lbs. in total weight.

E. CORRESPONDENCE:

1. Correspondence was received from Mr. Gary Winton, manager of Perkasio Borough Authority, concerning a property located on Callowhill Road in the CR-II Zoning District (known as the Wisler Tract). Mr. Horrocks suggested the correspondence be forwarded to the Hilltown Authority for their official comments as to whether they wish to service the site or whether they wish to allow P.B.A. to serve the site.

Mr. Wynn advised the site in question is located on Callowhill Road, at the top of the hill above South Perkasio Road, and it is just a bit closer to Perkasio Borough Authority lines than to the Hilltown Authority lines. The site is located in an area that is neither in the service district of the Hilltown Authority, or the property that Perkasio Borough Authority was given the right to serve by Township approval. The correspondence from P.B.A. indicates that PennDot is planning to overlay Callowhill Road this spring, and Mr. Wynn suggested PennDot be notified that there may be a possible sewer line extension in the future.

The Supervisors agreed to authorize the Township Manager to forward the correspondence from P.B.A. to the Hilltown Township Authority.

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

1. Solicitor Grabowski presented Subdivision Agreements, Financial Security Agreements and the Phase I Declaration of Covenants, Restrictions, and Easements, for Longleaf Estates (Phase I) for acceptance.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to accept the Subdivision Agreement, Financial Security Agreement, and Declaration of Covenant, Restriction, and Easements relating to open space for Longleaf Estates (Phase I) as noted above.

2. Solicitor Grabowski presented a Resolution for acceptance of street lights and a separate Resolution for acceptance of the Open Space Deed of Dedication for Longleaf Estates (Phase I).

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to **adopt Resolution #98-15, for acceptance of Public Purpose for Open Space Deed of Dedication**, and to **adopt Resolution #98-16, for acceptance of the Open Space for Longleaf Estates (Phase I)**.

3. Solicitor Grabowski presented a Resolution for Acceptance of Street Lights in Longleaf Estates (Phase I).

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to **adopt Resolution #98-17, for Acceptance of Street Lights in Longleaf Estates (Phase I)**.

4. Solicitor Grabowski presented the Subdivision Agreement and Financial Security Agreement for acceptance for the Estate at Tall Oaks Subdivision.

Supervisor Bennington asked the status of the Tall Oaks Subdivision, and commented that he feels the developer of this project has destroyed Orchard Road. Mr. Wynn explained the developer recently finished installing the public sewer which runs up the center of the road. The edge of the roadway, which is an oil and chip roadway, has fallen apart because the developer ran vehicles and directed traffic off the edges of the road. The developer was advised by Mr. Wynn that the roadway edges must be reconstructed with stone and BCBC. The sewer trenches are cold patched at present and were backfilled entirely with stone. The cold patch will be removed and replaced with the BCBC. On the development side, the roadway will be widened and curbed, and eventually stone, BCBC, and base course will be installed. At the final stages of construction the entire roadway, including the cartway, along the frontage of the site will be overlaid.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to accept the Subdivision Agreement and Financial Security Agreement for the Estate at Tall Oaks Subdivision.

5. Solicitor Grabowski presented a Resolution for acceptance of the petition of the developer for the assessment of Street Light costs to the property owners of the Estate at Tall Oaks Subdivision.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to **adopt Resolution #98-18 to accept the petition of the developer for the assessment of Street Light costs to the property owners of the Estate at Tall Oaks Subdivision**.

6. Supervisor Bennington asked what year of the B.O.C.A. Code the Township presently follows. Mr. Horrocks replied the Township uses the 1990 B.O.C.A. Code. Mr. Horrocks commented there is a Senate Bill pending which apparently will be passed this year in the State Legislature requiring B.O.C.A. Code 1996 as the statewide minimum building code. Until this issue is resolved by the State, Mr. Horrocks feels no action should be taken. Supervisor Bennington asked the differences between B.O.C.A. 1990 and B.O.C.A. 1996, and if it would be beneficial for the Township to enforce the 1996 B.O.C.A. Code at present. Mr. Horrocks is not qualified to determine the differences between the two codes. Discussion took place. Mr. Horrocks will contact B.O.C.A. for a comparison of the two codes for the Board's review.

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

1. Dean's Harley-Davidson (Revised Final) - This revised final plan was unanimously recommended for approval by the Planning Commission, subject to a note being added on the plan listing conditions of the variance approval granted by the Zoning Hearing Board Appeal No. 97-16, and the applicant reimbursing the Township all costs incurred during review of the revised final plan.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to grant final plan approval to the Dean's Harley-Davidson Revised Final Plan, subject to a note being added to the plan listing the conditions of variance approval granted by the Zoning Hearing Board Appeal No. 97-16, and the applicant reimbursing the Township all costs incurred during review of the revised final plan.

2. Valdez Subdivision (Final) - This three lot subdivision located on Broad Street was granted preliminary plan approval at the meeting of November 24, 1997. This plan was unanimously recommended for final plan approval by the Planning Commission, subject to the following:

- Planning Modules for on-site sewer disposal must receive approval from PADEP.
- Property monumentation as shown on the plan must be installed prior to plan recordation and be certified in writing by the responsible surveyor.

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

3. Culp Subdivision (Final) - This lot line adjustment subdivision is located on East Creamery Road and was unanimously recommended for final plan approval by the Planning Commission subject to the following conditions:

- A note must be added on the plan indicating that prior construction of the driveway access to TMP #15-28-160-7, a wetlands study must be conducted to verify whether a wetlands encroachment permit must be obtained from PADEP and Bucks County Conservation District.
- Area within the ultimate right-of-way of Creamery Road has been offered for dedication to the Township by note on the plan, and will be accepted in accordance with Section 506.2.A. of the Subdivision Ordinance.
- Proposed iron pins to be set at property corners must be revised to concrete monuments as required by Section 522.2. of the Subdivision Ordinance and must be installed prior to plan recordation.
- A note must be included on the plan indicating that a new deed will be recorded for TMP #15-28-160-7 which consolidates the area to be transferred, so that a non-conforming lot is not created.
- Copy of the current deeds for both properties must be submitted in accordance with Section 402.3.E of the Subdivision Ordinance.
- Plan must clarify that David L. and Jane Cappiello Culp own both parcels.

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

4. Hilltown Square (Prel.) - This preliminary plan for a proposed restaurant at the corner of Broad Street and Rt. 313 was unanimously recommended for denial by the Planning Commission, unless a 90 day extension in the review period is received not later than March 14, 1998. The basis of the plan denial is non-compliance with Zoning Ordinance and Subdivision Regulation requirements as itemized in the engineering review dated September 22, 1997, the Bucks County Planning Commission review dated September 18, 1997, and the engineering review of the Act 537 Revision, dated October 29, 1997.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to deny the Hilltown Square Land Development unless a 90 day extension is received not later than March 14, 1998.

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

1. Tall Oaks Subdivision - The development agreement for this subdivision requires Township approval of PP&L utility line location. Rather than installing the electric line in an easement area behind the ultimate right-of-way, the developer is seeking approval to install the electric line two feet behind the curb, in the right-of-way area in order to save as many trees as possible in this heavily wooded site.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to authorize the PP&L utility line location two feet behind the curb, within the right-of-way of the road for the Tall Oaks Subdivision.

2. Longleaf Estates - Mr. Wynn provided a status report of construction activity at the Longleaf Estates Subdivision located on Orchard Road. Two detention basins, stormsewer facilities, and some sanitary sewer lines have been installed. A few complaints were received from two of the neighboring property owners and were addressed by Mr. Wynn.

3. Mr. Wynn presented the Off-the-Wall Land Development Plan, which is located on Rt. 309. The applicant is seeking authorization to relocate the parking space locations at the entranceway to the site and to eliminate several planting islands.

Motion was made by Supervisor Bennington, seconded Supervisor Grasse, and carried unanimously to authorize the relocation of parking space locations at the entranceway to the site, and to eliminate several planting islands for the Off-the-Wall Land Development.

I. PUBLIC COMMENT: None.

J. SUPERVISOR'S COMMENTS:

1. Supervisor Bennington recently received correspondence from UGI advising that on February 17, 1998, existing gas lines along Walnut Street will be replaced from Nobel Drive to Country Road and that they will attempt to keep the disturbance to a minimum.

2. Supervisor Bennington mentioned information received from the Bucks Mont Exchange Club concerning the National Child Abuse Prevention Month to be

observed in April. Supervisor Bennington feels this is a good cause and something the Supervisors should support.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to draft a Proclamation for adoption at the March worksession meeting, to proclaim the week of April 1 through April 7, 1998 as National Blue Ribbon Week; and to also observe National Child Abuse Prevention Month in April.

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

~~L. ADJOURNMENT: Upon motion by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously, the regularly scheduled meeting of the Hilltown Township Board of Supervisors of February 23, 1998 was adjourned at 8:45PM.~~

Respectfully submitted,



Lynda Seimes

Township Secretary

(*These minutes were transcribed from notes and tape recordings taken by Mr. Bruce G. Horrocks, Township Manager).