

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
REGULARLY SCHEDULED PUBLIC MEETING  
Monday, November 24, 1997  
7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr. at 7:30PM and opened with the Pledge of Allegiance.

Also present were:    Kenneth B. Bennington, Vice-Chairman  
                              Jack C. Fox, Supervisor  
                              Bruce G. Horrocks, Township Manager  
                              C. Robert Wynn, Township Engineer  
                              Francis X. Grabowski, Township Solicitor  
                              George C. Egly, Jr., Chief of Police  
                              Lynda Seimes, Township Secretary

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

A.    ACTION ON THE MINUTES OF THE OCTOBER 27, 1997 SUPERVISOR'S MEETING: Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the October 27, 1997 Board of Supervisor's meeting, as written.

ACTION ON THE MINUTES OF THE NOVEMBER 10, 1997 SUPERVISOR'S WORKSESSION MEETING: Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the November 10, 1997 Board of Supervisor's Worksession meeting, as written.

B.    APPROVAL OF CURRENT BILLING: Chairman Bennett presented the Bills List dated November 25, 1997, with General Fund payments in the amount of \$18,190.29, State Highway Aid payments in the amount of \$75,631.36, and Escrow Fund payments in the amount of \$23,298.39; for a grand total of all payments in the amount of \$117,120.04.

Chairman Bennett questioned the bill in the amount of \$449.82 for Philadelphia Newspapers, Inc.. Mr. Horrocks explained an advertisement for the Code Enforcement position was placed in a Philadelphia newspaper two times.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List dated November 25, 1997, subject to audit.

C. CONFIRMED APPOINTMENTS: None.

D. MANAGER'S REPORT - Mr. Bruce G. Horrocks -

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

Bricks Villa Phase II	Voucher #19	\$ 565.82
Bricks Villa Phase II	Voucher #20	\$124,081.42

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

2. A Conditional Use Hearing will be held on Monday, December 8, 1997 at 6:30PM, prior to the regularly scheduled worksession meeting. The applicant, Deep Run Valley Sports Association, is seeking approval for a recreational facility with no structures (use only) conditional use for the Carson Services property located on Callowhill Road. Mr. Horrocks advised that Deep Run has waived the requirement for the Township to have a court stenographer present in order to create a transcript of the hearing. The Township will run an audio tape and maintain that tape of the Conditional Use Hearing. Mr. Horrocks asked if the Supervisors would be willing to waive the hearing fee or a portion thereof, for Deep Run Valley Sports Association, since no expenses will be undertaken for a court stenographer.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to waive the Conditional Use Hearing fee for Deep Run Valley Sports Association to be held on Monday, December 8, 1997.

3. Mr. Horrocks presented drafts of the 1998 General Fund, Fire Fund, Debt Service, and State Highway Aid Budgets. Mr. Horrocks requested Board authorization to advertise the availability of these proposed budgets for review by residents. The Supervisors will hold a Budget Worksession meeting with the Chief of Police and the Director of Public Works on Monday, December 1, 1997 at 7:00PM.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to authorize the advertisement of the availability of the 1998 General Fund, Fire Fund, Debt Service Fund, and State Highway Aid Fund Budgets.

4. Mr. Horrocks was directed by the Board to apply for a two year program called RULE which is sponsored by Pennsylvania State University and the Pennsylvania State Legislation Program. Mr. Horrocks has been accepted into this program and the first weekend seminar will be held on December 5, 6, and 7<sup>th</sup>. Mr. Horrocks advised there

may be additional costs, other than the initial \$750.00, involved with this program. Supervisor Fox commented Mr. Horrocks was awarded a \$15,000.00 scholarship to this program.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to authorize the use of up to \$750.00 for additional expenses for the two year RULE Program for Mr. Bruce Horrocks, Township Manager.

5. Recently, Chairman Bennett and Mr. Horrocks met with two representatives of the North Penn Regional Improvement Association, which consists of significant North Penn area businesses including Leidy's, Moyer Packing, Rosenberger Dairies, Rosenberger Cold Storage, George S. Snyder, and Farm and Home Oil. A few years ago, this organization successfully pleaded the restoration of a railroad line to service a number of those businesses. The North Penn Regional Improvement Association is now working on developing an east/west corridor, which will be a new two lane road from the Kulpville/Northeast Extension Interchange of the Pennsylvania Turnpike into Rt. 309. The only impact on Hilltown Township would be into and across the southbound bypass lanes, and attempting to maneuver north and southbound Rt. 309 as cheaply as possible. The N.P.R.I.A. has contacted PennDot who has begun review of detailed plans and has asked neighboring municipalities willing to be an interested party in the program to contribute \$500.00 to establish that interest. Mr. Horrocks stressed the fact that there are no strings attached, and there is no future financial commitments involved with the initial \$500.00 contribution. Discussion took place.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to authorize a \$500.00 contribution to the North Penn Regional Improvement Association as specified above.

6. Mr. Horrocks requested Board authorization to advertise once again to fill a position which is about to become available on the Zoning Hearing Board. To date, only one written response has been received. The Board of Supervisors unanimously authorized the advertisement of the vacancy on the Zoning Hearing Board.

7. A seminar will be held on Wednesday, December 3, 1997 to preview new accounting software. The company from whom the present accounting program was purchased at a very reasonable price one year ago is going out of business and will no longer support the software package. There will be a \$4,000.00 charge involved if Hilltown Township chooses to go with this new software company, which is still far less than any other quotes.

8. Mr. Horrocks advised the Bucks County Commissioners will be hold a meeting at the West Rockhill Township building at 10:00AM on Wednesday, December 3, 1997.

E. CORRESPONDENCE - Mr. Bruce G. Horrocks - None.

F. SOLICITOR'S REPORT - Mr. Francis X. Grabowski -

1. Solicitor Grabowski presented the following Spray Irrigation Agreements for the Board's approval:

- Phillips IRSIS - The site is located on Spring Hill Lane and the system will serve a proposed single family dwelling. The agreement has been executed by the applicant and an escrow fund in the amount of \$2,197.50 has been established.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the Sewage Treatment and Maintenance Agreement for an IRSIS for Randy Phillips.

- Petteruti IRSIS - This site is located on Telegraph Road and the system will serve a proposed single family dwelling. The agreement has been executed by the applicant and an escrow fund in the amount of \$2,227.00 has been established.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the Sewage Treatment and Maintenance Agreement for an IRSIS for Michael Petteruti.

2. Solicitor Grabowski presented a Declaration of Easement by Mr. and Mrs. Balco for road frontage located on Rt. 113 involved with their minor subdivision.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **adopt Resolution #97-34 to accept the Declaration of Easement of road frontage for Rt. 113 for the Balco Subdivision.**

3. Solicitor Grabowski advised the Omni-Point Communications Conditional Use Hearing was held on Monday, November 10<sup>th</sup>. At that hearing, the Board unanimously approved the conditional use to allow for the attachment of cellular telephone antennae to the existing North Penn Water Authority Tank (tank #2). The approval was also conditioned upon the fact that municipal use by local fire companies and by the Township may be permitted by the applicant, upon agreement by the North

Penn Water Authority. At the November 10<sup>th</sup> Hearing, the applicant requested that the Board waive land development requirements and offered to make a capital contribution in the amount of \$2,500.00 to the Township in lieu of land development requirements.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to waive land development requirements for Omni-Point Communications, and to accept the capital contribution in the amount of \$2,500.00 in lieu of submission of land development requirements by the applicant.

G. **8:00PM - PUBLIC HEARING** - Chairman Bennett adjourned the regularly scheduled meeting of the Hilltown Township Board of Supervisors as 8:00PM and entered into the two advertised Public Hearings for an Ordinance establishing a 35 m.p.h. speed limit for the entire length of Seven Corner Road in Hilltown Township, and for an Ordinance placing a stop sign (except right turn) on Broad Street in Hilltown Township.

Ordinance #97-3 - An Ordinance establishing a stop sign, except for right turn, westbound on Broad Street (T413) at the intersection of the rear access of the H & K Quarry in Hilltown Township, Bucks County, Pennsylvania.

There was no public comment.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **adopt Ordinance #97-3 to establish a stop sign, except for right turn, westbound on Broad Street (T413) at the intersection of the rear access of the H & K Quarry in Hilltown Township, Bucks County, Pennsylvania.**

Ordinance #97-4 - An Ordinance reducing the speed of motor vehicles on Seven Corner Road for its entire length through Hilltown Township.

There was no public comment.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **adopt Ordinance #97-4 reducing the speed of motor vehicles on Seven Corner Road for its entire length through Hilltown Township.**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was again called to order by Chairman Bennett at 8:05PM.

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

1. Valdez Subdivision - At their meeting of November 17<sup>th</sup>, the Planning Commission unanimously recommended preliminary approval of the Valdez Subdivision located on Broad Street. The plan proposes to subdivide a 15.5 acre site into three parcels. Parcel #1 is a 5+ acre building lot to be served by an on-site sewage disposal facility and well. Parcel #2 is a 9.5 acre site which contains the existing dwelling and outbuildings. Parcel #3 is a 0.6 acre tract to be conveyed and consolidated with adjoining lands of Riebman. The Planning Commission's recommendation for approval is conditional upon the following:

- Street improvements including cartway widening, curb, sidewalk, stormwater management requirements; and erosion and sedimentation control plan requirements are recommended to be waived as requested by the applicant, provided the existing driveway on Parcel #2 is paved to the ultimate right-of-way line, and the privet hedge along the frontage of Parcel #2 is trimmed by the applicant to remove the encroachment to the cartway of Broad Street.
- As Parcel #3 is to be consolidated with adjoining lands of Reibman, improvements on this parcel must be identified on the plan. Additionally, the plan must provide for acknowledgment by Theodore and Lynne Riebman.
- A note must be included on the plan which advises future owners that the "barn" on Parcel #2 may not be used for the keeping or raising of livestock, horses, fur bearing animals, or poultry, since it is located within 100 feet of the property line.
- Ultimate right-of-way of Broad Street must be dedicated along the frontage of the site in accordance with Note #4 on the plan.
- Planning Modules for on-site sewage disposal must be submitted and receive approval from the Bucks County Department of Health, Hilltown Township, and PADEP.
- Property monumentation as shown on the plan must be installed prior to plan recordation and be certified in writing by the responsible surveyor.
- Drafting requirements of Section 403 of the Subdivision Ordinance must be included on the plan as follows:

- Signature block for Theodore and Lynne Riebman
- Address for Theodore and Lynne Riebman
- Improvements on the Riebman property
- Utility pole identification numbers
- Large trees/bushes located along the site frontage

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

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

1. Ken-Jan Subdivision Planning Modules - Planning Modules have been received for the proposed small flow treatment plant for Lot #1 of the Ken-Jan Subdivision located on Twinbrook Road. The Planning Module approval requires a Resolution to be adopted by the Board of Supervisors.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously **to adopt Resolution #97-35 to accept the Planning Modules for the Ken-Jan Subdivision.**

2. Country Roads Phase I - The deadline for the maintenance period of this development is December 24, 1997. Mr. Wynn advised the biggest issue in Phase I is the detention basin which is still being utilized as a sedimentation control basin since portions of Phases III and IV drain into it. Other outstanding items include construction debris, crooked street lights, eight dead trees which must be replaced, and the installation of childproof grates. Supervisor Bennington wondered why the childproof grates were not yet installed, stating that this is unacceptable. Discussion took place concerning the danger involved with the childproof grates not yet installed.

Mr. Wynn spoke with the Township Solicitor today, and determined that there is not really a mechanism for extending the maintenance period under the agreement. Mr. Wynn recommended that the developer be required to install the childproof grates immediately and that a \$10,000.00 cash escrow be established prior to the Supervisor's meeting of December 8, 1997, or the Township will find the developer in default. Discussion took place.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to require the developer of the Country Roads Subdivision to install the childproof grates and to establish a \$10,000.00 cash escrow by December 1, 1997, or the Township will find the developer in default by December 8, 1997.

3. Country Roads Phase II - The deadline for completion of improvements within Phase II is December 31, 1997. Correspondence has been received from the developer requesting dedication of public improvements and notifying the Township that all items are complete. Mr. Wynn's office inspected the site on November 17, 1997, and discovered that 27 items are incomplete.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to deny the request made by the developer of Country Roads Phase II for dedication of public improvements, and to require an extension of the Letter of Credit to September 30, 1998.

4. Country Roads Phases III & IV - Correspondence has been received from the developer requesting a one year extension to complete the public improvements in these phases of the Country Roads Subdivision.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept a one year extension of the Letter of Credit from the developer of Country Roads Phases III & IV until December 24, 1998.

In 1994, Mr. Wynn explained, the Township required street lights in all phases of the Country Roads development in the Victorian-style lamp posts. These specific lamp posts were installed by PP&L in Phases I and II of the development, however a few months ago, Boulevard-style lamp posts were installed along Fieldstream Drive in Phases III and IV.

5. Schafsteller Subdivision - Planning Modules - Mr. Wynn requested that the Board authorize the Township Solicitor to prepare the required agreement for the Small Flow Treatment System for the Schafsteller Subdivision.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize the Township Solicitor to prepare the Small Flow Treatment System Agreement for the Schafsteller Subdivision.

J. LINENS FOR SIGNATURE: None.

K. PUBLIC COMMENT:

1. With recent street number changes, Mr. John Gillespie, chief of the Silverdale Fire Company, observed that many residents have yet not posted their new house numbers so that they are readable from the road. Unfortunately, Mr. Horrocks noted the current Street Numbering Ordinance does not allow for a fine if the 3 inch



height regulation of numbers is not observed. Mr. Gillespie suggested this matter be mentioned in the next Township newsletter.

L. SUPERVISOR'S COMMENTS:

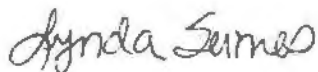
1. At the last meeting, Supervisor Bennington held the Hilltown Water and Sewer Authority responsible for the poor job that had been done on Rt. 152. Since that time, he noticed that the roadway has been paved and repaired in a timely manner. Supervisor Bennington thanked Mr. Jim Groff, Operations Manager of the Authority, for rectifying the situation so quickly. However, Supervisor Bennington feels that the Hilltown Authority's engineer, who was responsible for administrating that project, should be held accountable. It is Supervisor Bennington's recommendation that the Hilltown Township Water and Sewer Authority seriously consider hiring another engineer in 1998.

2. Supervisor Bennington has been making negative comments concerning the Pennridge Wastewater Treatment Authority at the past few meetings, and in response, an accusatory letter was received from the chairman of P.W.T.A., Mr. Abe Stover. Supervisor Bennington read his response letter to Mr. Stover, a copy of which is attached to these minutes.

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

N. ADJOURNMENT: Upon motion by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously, the November 24, 1997 Supervisors Meeting was adjourned at 8:36PM.

Respectfully submitted,



Lynda Seimes  
Township Secretary

November 23, 1997

Abraham G. Stover, PWTA Chairman  
1121 Old Post Road  
Perkasie, Pa. 18944

Dear Mr. Stover,

Since the local newspapers quoted my remarks from the October 19, 1997 Hilltown Township Supervisor's meeting, I can only assume that your November 11, 1997 response letter addressed to Hilltown Township was directed at me.

My remarks concerning the status of litigation involving the Pennridge Authority with East Rockhill Township and Silverdale Borough as well as the current status of mediation, were the result of frustration on my part, and probably my fellow supervisors as well.

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One of the main reasons that I decided to become a supervisor in Hilltown Township was to represent my constituency in all matters that affected them. When something affects the Hilltown Township Water and Sewer Authority sewer customers in their pocketbooks, I do not intend to sit idly by and say and do nothing! Although your letterhead indicates that your November 11 letter was as Chairman for the Pennridge Wastewater Treatment Authority, I can only assume that your comments also reflected the position of Perkasie Borough Authority, of which you are also the Chairman.

Your suggestion that we reacquaint ourselves with the 1975 Operating Agreement before making comments is absurd, and quite puzzling. From my reading of all the documentation relating to the pending lawsuit, it appears that there is a substantial disagreement relating to this agreement. Specifically, one item of disagreement relates to your personal position to not abide by the 1975 Operating Agreement in several cases.

The first instance is your total indifference to the legal and moral obligations under the 1975 Agreement to restructure the voting representation of the Authority. While I understand that Silverdale Borough had previously lost a lawsuit to require voting restructuring, there still remains a moral responsibility to follow the terms of the 1975 Agreement. This is especially true if you intend to use the 1975 Agreement as a shield from any constructive criticism or expression of concern from the general public, of which I am a member. Perhaps if you were an elected official, you would be more mindful and sensitive to the concerns of voters who also have to pay sewer charges.

The 1975 Agreement, as I read it (and I am not a lawyer), states that billing and capacity shall be based upon gallonage used and gallonage metered. From what I have been told you have made assertions in the mediation process as well as in public meetings that the PWTA meters simply do not work; and therefore they should be ignored. It has never been made clear to me why the meters do not work. Could it possibly be that they were

not properly maintained? Could it possibly be that they were improperly designed, improperly installed, or improperly inspected during installation?

You may very well have caused a letter to be sent to each member of PWTA several years ago that your plant was rapidly approaching its designed capacity. I have never seen a letter from you that "your" plant had reached a point where any one municipal customer had reached its' capacity. I note that the Pennridge Authority tried to rectify this matter by having its' engineer calculate arbitrary flows whenever he deemed the meter readings to be inaccurate, faulty, or missing.

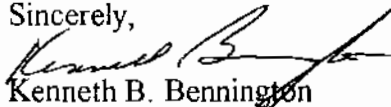
As an elected official, I find it extremely difficult to support a position of expanding the Pennridge plant if in fact a majority of the votes of the Pennridge Authority remain in your hands. You initially agreed that the Pennridge Authority Board would have one vote for each community. You have now apparently changed your mind. How can we be confident that you will not change your mind in the future regarding some other controversial issue?

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Our Hilltown Authority is actively involved in the mediation process, making suggestions that are conciliatory in nature, but which suggestions are apparently falling on deaf ears. While they are the active participants in this matter, that does not mean that I have no role. If the Hilltown Authority needs to borrow money for whatever purpose, the Township is normally asked to guarantee the loan. I intend to make absolutely sure that there will be no financial harm brought to Hilltown Township or our taxpayers. I will not sit idly by and allow sewer customers in Hilltown Township to be harmed by your actions, or by your lack of action.

You seem to be particularly annoyed with my comments regarding the effectiveness of the Pennridge Authority. When you seem to have the ability to arbitrarily change the method of billing; when you arbitrarily decide on not surcharging anyone for reasons given under the 1975 Agreement; when you suggest that I may not know the facts of the matter; when you control the destiny of the Authority by your control of a voting majority, you can be assured that I will become involved and stay involved. While my comments may bother you, may I remind you that I represent the Hilltown residents who elected me, and I really don't care whether my comments bother you and "your" Authority.

Sincerely,



Kenneth B. Bennington  
Hilltown Township Supervisor

cc: Hilltown Township Board of Supervisors  
PWTA  
PBA  
HTWSA  
News Herald/Intelligencer/ The Morning Call