

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED PUBLIC MEETING
Monday, June 24, 1996**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr. at 7:44PM and opened with the Pledge of Allegiance.

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

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

A. APPROVAL OF MINUTES:

Action on the minutes of the May 28, 1996 Board of Supervisor's meeting - Supervisor Bennington noted the following corrections:

- pg. 1, last sentence of third paragraph should read "Supervisor Bennington commented he will approve these minutes without any changes as **directed** by Supervisor Fox at the last meeting."

- pg. 3, second paragraph, second sentence, should read "Supervisor **Bennington** asked for clarification of Mr. Stavrou's letter to the Board which states "We are requesting a waiver of the fees and permit costs required to update the previously approved expansion drawing which expired as of September 1995."

- pg. 9, eighth paragraph, should read "Motion was made by Supervisor **Bennington**, seconded by Supervisor **Fox**, and carried unanimously to adopt Resolution #96-17, recognizing Mrs. Wanda Renshaw, Mrs. Sara Jane Hyer, and Mrs. Jeanne McDowell as members of the Youth Aid Panel for their service to the community."

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the May 28, 1996 Board of Supervisor's Meeting, as corrected.

Action on the minutes of the June 10, 1996 Board of Supervisor's Worksession Meeting: Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the June 10, 1996 Board of Supervisor's Worksession Meeting, as written.

B. TREASURER'S REPORT - Mr. Bruce Horrocks, Township Manager - Mr. Horrocks presented the Treasurer's Report with the following balances as of June 24, 1996:

General Fund Checking Account	\$ 238,736.31
Payroll Checking Account	\$ 226.71
Fire Fund Checking Account	\$ 72,918.92
Debt Service Checking Account	\$ 97,704.96
State Highway Aid Checking Account	\$ 118,685.28
Escrow Fund Checking Account	\$ 123,185.64

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Treasurer's Report dated June 24, 1996, subject to audit.

C. RESIDENT'S COMMENTS ON CONFIRMED APPOINTMENTS ONLY: None.

D. CONFIRMED APPOINTMENTS:

1. Mr. Bob Hipp - Side Yard Setbacks, Country Roads - Earlier this month, Mr. Hipp, a resident of the Country Roads development, was denied a zoning permit to construct a deck based upon a 5 ft. setback requirement. In Country Roads and in other multiple dwelling unit subdivisions constructed in Hilltown Township, Mr. Hipp noted a 5 ft. setback would require a deck to start in the middle of a sliding glass door, thereby making it physically impossible to construct a deck. Supervisor Fox explained that when the Ordinance was being reviewed, there were no townhouses, and even twins were rare in this area. Since that time, the Planning Commission has discussed the matter and Supervisor Fox believes that in the future, when revisions are made to the Ordinance, this issue will be addressed. Mr. Hipp noted that to apply for a variance is a very expensive undertaking and the residents of Country Roads are counting on the Board to seriously consider this matter.

Mr. Jeff Coleman, also a resident of Country Roads, asked the Board for a time frame as to when the Ordinance might be revised. Supervisor Fox does not know an exact time frame, however it will be discussed by the Planning Commission at some time in the near future.

2. Mr. John Kachline - Planning Commission Traffic Impact Study Request - Mr. Kachline advised he would bring the issue as discussed by Mr. Hipp to the attention of the Planning Commission at their worksession meeting to be held next Monday evening.

Several months ago, the Township advertised for interested residents to participate on a Traffic Impact Study committee, however there was no response. Planning Commission members then

found interested citizens to serve on this committee. A list of individuals was provided to the Board of Supervisors in April of 1996, though no action was taken. At the time, Supervisor Bennington had asked the Township Solicitor whether these individuals met the background requirements of Act 209, however a response has not yet been received from the Solicitor. Mr. Kachline noted that because the Planning Commission was aware of those requirements, they only contacted people they knew who met the requirements, including a few engineers, builders, and realtors. Mr. Horrocks stated it has not yet been formally confirmed by Solicitor Grabowski that the candidates meet the requirements of Act 209. Discussion took place concerning the requirements of Act 209.

Supervisor Fox stated the Township has lost hundreds of thousands of dollars for off-site improvements by not implementing Act 209 since he brought it to the Township's attention in 1990. Supervisor Bennington suggested the Township Solicitor provide an answer before the next meeting as to whether the volunteers meet the requirements of Act 209. Solicitor Wuerstle quoted a letter from Solicitor Grabowski dated June 26, 1995, which states "Section 504 A, Subsection B - The Advisory Committee shall consist of no fewer than seven, nor more than fifteen members who serve without compensation. Advisory Committee members must be either (1) residents of the municipality; or (2) persons who conduct business within the municipality; however members may not be employees or officials of the municipality, and not less than 40% of the members shall be representatives of the real estate, commercial development, and building industries." Solicitor Wuerstle advised a resolution must be adopted by the Township and the qualifications of the volunteers involved must be known. Chairman Bennett stated the Board will review the list of names and will pass a resolution at the next meeting.

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

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

Bricks Villa	Voucher #18	\$	317.34
Country Roads Phase I	Voucher #52	\$	383.89
Gro-N-Sell Inc.	Voucher #07	\$	769.71
Ralph G. Moyer Subdiv.	Voucher #05	\$	3,044.84
Sara Nickel Land Dev.	Voucher #04	\$	244.44
Quiet Acres Mobile Home Park	Voucher #19	\$	337.42

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

2. At the last Fire Prevention Bureau meeting, the latest revision to create a new fire district map which best reflects the existing map was discussed. It is the unanimous recommendation of the Fire Prevention Bureau that the Supervisors adopt this revised map as the official fire district map of Hilltown Township.

Supervisor Fox thought Chalfont Fire Company covered a small portion of the lower end of the Township. Mr. Horrocks explained there is a private agreement between Station 60 of the Hilltown Fire Company and Chalfont Fire Company for that coverage. The Township is not involved in that "handshake agreement" between the two chiefs, and therefore, the coverage area is not shown on this map. Supervisor Bennington is concerned about the issue of the Township's liability if there was a problem with a fire that occurred in the Chalfont Fire Company coverage area. Mr. Horrocks noted there are "handshake agreements" between boundary lines of all fire companies. Supervisor Bennington understands that, however Chalfont Fire Company is not one of the seven fire companies who support Hilltown Township, and no official agreement has been established with the Chalfont Fire Company. Chairman Bennett believes that situation would be covered under mutual aid. Mr. Horrocks advised Chalfont Fire Company's coverage area was removed from this map because it was not shown on the previous map. If Chalfont's responsibility is shown on the district map, Mr. Horrocks feels the Township should enter into a formal agreement them. Both Supervisors Fox and Bennington believe it is absolutely necessary to enter into a formal agreement with the Chalfont Fire Company. Mr. Horrocks will forward an agreement to the Chalfont Fire Company to see if they are willing to sign it.

On the proposed map, Supervisor Fox noted there is a red line coming from Station 61 (Hilltown Fire Company) into Station 59 (Silverdale Fire Company), and asked if there is a mutual agreement with both fire companies covering that area, or if one of the companies is relinquishing that coverage area. Mr. Horrocks explained the map was distributed to the seven fire chiefs two meetings ago, and he requested that the fire companies then provide him with any specific change requests. The Silverdale Fire Company chief forwarded changes as noted in red, however, it has been determined that those areas were never Silverdale's coverage area to begin with. Those areas were actually under the coverage area of Station 60 or 61 of the Hilltown Fire Company. Mr. Horrocks verified this information with Bucks County Communications via six different tax parcels which he audited. Each one of them was either the Dublin Fire Company for the cul-de-sac off Blooming Glen Road, or the Hilltown Fire Company along Rickert Road. The map before the Board this evening is an exact representation of the former map. Supervisor Fox asked if the Silverdale Fire Company has agreed to relinquish that coverage area. Mr. Horrocks has explained to Mr. Stockert that the area was never Silverdale's

coverage area to begin with.

Mr. Horrocks will provide copies of the old map for review by the Board of Supervisors at the next meeting and will also provide written statements from the fire companies as to whether they agree or disagree with the new map. Mr. Horrocks commented none of the seven fire companies is "giving up" one square inch of coverage area on the new map.

Another issue discussed at the Fire Prevention Bureau meeting was the position of Fire Marshall. Within three weeks, Mr. Horrocks will have written responses from all seven chiefs as to what their respective companies feel would be the best option for Hilltown Township Fire Marshall. Mr. Horrocks will then forward that information to the Board of Supervisors.

3. If an open space referendum is placed on the ballot this November 5th, Mr. Horrocks noted the 13 week requirement to forward the question to Bucks County is due by August 5, 1996. Since Mr. Horrocks assumes the Township Solicitor will be authorized to write the question for the ballot, the Board must make that authorization either this evening or at the July 8, 1996 worksession meeting. A tentative meeting has been scheduled with Gordon Walker to discuss possible bond funds which might be used to purchase open space.

Supervisor Bennington would like to authorize the Township Solicitor to write the question so that there is time for the Board to make revisions if necessary. Supervisor Bennington noted the wording "recreational open space" is mentioned in the language of the draft question as provided by the Open Space Committee, however he believes the word "recreational" should be deleted.

Motion was made by Supervisor Bennington, and seconded by Supervisor Fox to authorize the Township Solicitor to draft a referendum question to be reviewed by the Board of Supervisors at the worksession meeting on July 8, 1996.

Mrs. Jean Bolger, a member of the Open Space Committee, believes the question had previously been drafted by the Committee, in order to save the expense of a review by the Township Solicitor. Mr. Horrocks noted it was offered that the Township Solicitor would ultimately write the question, however the Open Space Committee would have the opportunity to propose their language for the question.

The question, as proposed by the Open Space Committee, states "Should debt be authorized to be incurred as debt approved by the electors up to the sum of \$3.8 million dollars for the purpose of financing the acquisition of agricultural conservation easements,

conservation land easements, and recreational open space?" Supervisor Bennington is agreeable to the referendum question as proposed by the Open Space Committee. Supervisor Fox is agreeable as well, however he feels the word "recreational" should be deleted. Chairman Bennett has a number of reservations concerning the open space referendum, noting that the Board is not certain, without a legal opinion, what the Township's maximum debt liability is. Supervisor Fox agreed. Chairman Bennett has been lead to believe that the Township's maximum debt liability is \$3.4 million, rather than \$3.8 million. Further, Chairman Bennett feels there should be some definition as to how many acres the Township will be purchasing. With 3 1/2 million dollars, it appears the Township might be able to acquire 400-500 acres, which is not a great deal of land out of the approximately 17,200 acres in Hilltown Township. Chairman Bennett wondered if the residents know that this proposal could cost 10 mills of additional taxes, not to mention the fact that school taxes will be increasing up to approximately 14 mills this year. In Chairman Bennett's opinion, taxes could conceivably increase by 50 mills within the next two years.

Supervisor Bennington explained the Open Space Committee was directed to draft a referendum question to be placed on the ballot, in order to allow the residents of Hilltown Township to decide if they wanted to preserve land. Supervisor Bennington does not feel the possibility of an increase in Pennridge School District taxes or in Bucks County taxes should be taken into consideration. At this time, Supervisor Bennington's concern is saving land, whether it be by purchasing agricultural easements, property easements, or open space. Supervisor Bennington reminded the Board that the Township must look to "their own backyard" and not concern themselves with other taxing entities. Supervisor Bennington understands that Chairman Bennett does not want to raise taxes, but he feels this issue should not be up to the Board of Supervisors, it should be a question for the taxpayers of this community. The members of the Open Space Committee were not directed to discuss how the money would be spent, rather they were directed to draft a referendum question to be placed on the ballot. After the public has voted, the Open Space Committee will then determine how those funds should be spent. Chairman Bennett understands that several members of that committee have stated they no longer wish to participate.

Mr. Horrocks commented the Open Space Committee was told to draft a referendum question, however they were also aware that the actual question would ultimately be written by the Township Solicitor. There has been no expense to the Township to date, and whatever legal counsel was provided to the Open Space Committee was done for free. Mr. Horrocks feels it is important for the Township Solicitor to review the wording as proposed for the referendum question.

Supervisor Fox believes it will not make a difference as to how the wording for the referendum question is written, because the State will actually rewrite the question for the ballot. Supervisor Fox commented every request for a referendum is rewritten by the State before it is placed on the ballot.

When Chairman Bennett became Supervisor on January 1, 1988, the millage at that time was 5 mills. It is now 18 mills. The school taxes account for 77%, the County taxes account for 17%, and the Township, even though it has more than tripled its taxes in 9 years, accounts for only 5%. Chairman Bennett feels there must be a limit on taxation, and therefore abstained from Supervisor Bennington's motion.

Supervisor Fox commented this question is not for the Supervisors to decide, it is the responsibility of the taxpayers of this community. If they wish to spend their money to purchase open space because they are discouraged by developments, they will approve this referendum.

Supervisor Bennington noted the Pennridge School District does not give the Township the right to vote on their millage increase, yet by placing this question on the ballot, the Township is giving the taxpayers the chance to vote yes or no. If the taxpayers vote no, they can not accuse the Supervisors of allowing the overdevelopment of Hilltown Township.

Motion was made by Supervisor Bennington, and seconded by Supervisor Fox to forward the draft question as provided by the Open Space Committee, after removing the word "recreational" and inserting the word "passive" in its place, to Bucks County. Chairman Bennett abstained. Motion passed.

4. Mr. Horrocks requested Board authorization for the Township Solicitor to review a Hatfield Township Municipal Authority request for a new Sewer Use Ordinance. This proposed Ordinance is very similar to that which was recently done with the Telford Borough Authority and the Pennridge Wastewater Treatment Authority. Further, Mr. Horrocks seeks Board authorization to draft a letter to the Hatfield Township Authority advising that reasonable legal fees and advertising costs would be paid for by Hatfield Township Authority.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to authorize the Township Solicitor to review the new Sewer Use Ordinance as proposed by the Hatfield Township Municipal Authority.

5. At the June 10, 1996 worksession, Mr. Craig Silbert, the owner of the property across the street from the Township building,

requested Board's consideration concerning his wellhouse. Supervisor Fox asked Mr. Wynn if the wellhouse can indeed be moved from the right-of-way. The wellhouse could be moved from the right-of-way, and the plan shows that the structure was to be removed, however Mr. Wynn suggested the Board consider allowing the structure to remain by entering into an agreement with Mr. Silbert. This agreement would insure that the structure was restored to a certain level and that in the event the Township should ever require the right-of-way area, the structure would be relocated at that time. Mr. Wynn explained the sanitary sewer, the waterline, and the stormsewer are presently installed in the street, and the street is developed from curb to curb, with no sidewalks in the area. Also, there is adequate right-of-way on the opposite side of the street. Mr. Wynn noted the applicant has demolished the barn, and he understands the silo will also be removed. Mr. Silbert has every intention of totally restoring the wellhouse structure and is very amenable to entering into an agreement with the Township to allow the wellhouse to remain.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize the Township Solicitor to draft an agreement with Mr. Silbert to insure that the wellhouse structure is restored, as specified above.

6. The Township received snow reimbursement funds from P.E.M.A. in the amount of \$18,111.00, which is the full 75% of the approved amount of the Federal share of funds.

7. Telford Borough Authority is about to construct a stripping tower for their well #6, located on Progress Drive in Hilltown Township, and have requested a waiver of building permit fees.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to waive the building permit fees for Telford Borough Authority for the construction of a stripping tower for their well #6 located on Progress Drive.

8. In April of 1996, the Township Zoning Officer issued an oversize sign permit in error. With the Board's approval, Mr. Horrocks requested a waiver of any Zoning Hearing Board fees for the applicant, should this sign already be manufactured. Mr. Horrocks will contact the sign manufacturer to determine if the sign has been made. Mr. Horrocks explained 105 square feet is the allowable square footage for the face of a sign, however this permit was issued for a sign face of 116.25 square feet.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to waive Zoning Hearing Board fees for the Cosmetic Center, should it become necessary.

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

1. Correspondence was received from Hatfield Township regarding roadway concerns at the Hilltown Crossings Shopping Center. A copy of this letter was given to the Township Engineer, who forwarded copies to the appropriate parties at PennDot. Hatfield Township is also questioning police protection for the shopping center. Chief Egly has contacted Hatfield's chief of police concerning this matter.

2. On June 27, 1996, a meeting will be held at the Penridge School District Education Office seeking local elected official's input concerning school registration and providing information to municipalities for the benefit of their residents.

G. SOLICITOR'S REPORT - Mr. Jack Wuerstle, Township Solicitor's Office -

1. Solicitor Wuerstle presented development agreements and financial security agreements for the Hilltown Crossings Shopping Center Outparcel for the Board's authorization. An escrow has been established with Nations Bank in the sum of \$33,745.62.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the development agreements and the financial security agreements for the Hilltown Crossings Shopping Center Outparcel.

2. Solicitor Wuerstle presented development agreements and financial security agreements for Phases III and IV of the Country Roads development. An escrow has been established with CoreStates Bank in the amount of \$550,843.16.

Mr. Wynn explained the approval for Country Roads Phases III and IV was conditioned upon certain items being accomplished in prior phases, before liens would be released for recordation. These items include the resolution of the installation of trees to the rear of the properties in Phase I. The Township sent letters notifying the property owners that the plan called for trees to be installed in their rear yards and asking those property owners if they wished to have the trees planted. Twelve trees, including some evergreens and some deciduous trees, were not planted. Mr. Wynn suggested those remaining trees be planted on Township property, or that a donation be made to the Township for landscaping on public property. At this time, neither one of those suggestions has been agreed to by the developer.

Mr. Steve McKenna of Mignatti Ventures, Inc. was in attendance to discuss this issue and is also hoping to obtain acceptance of dedication of Phase I improvements this evening. Approximately two

years ago, before the developer began the construction within Phase I, Mr. McKenna appeared before the Board with photographs of existing vegetation to the rear of the lots. The Board of Supervisors decided to wait until the dwellings were constructed to determine what additional buffer plantings might be required. Subsequently, the developer began the dedication process this past winter, when Mr. McKenna came before the Board once again to address the buffer issue. Mr. McKenna rather strongly argued the point of a note on the approved plan which specifically reads "Actual planting requirements for buffer yards shall be determined at time of final grading of subdivision. At such time, the quantity of plantings may be reduced due to the presence of existing vegetation at the approval of Hilltown Township." It is Mr. McKenna's contention that significant vegetation exists and that buffer trees are not required. The Board took the position that since the trees are shown on the plan, the existing homeowners should be surveyed to determine whether or not they would like those trees planted. At the time, Mr. McKenna agreed to install the trees as requested by the homeowners. However, Mr. McKenna did not agree to provide cash in lieu of planting any of those trees or to donate trees to be planted at another municipal location. It is Mr. McKenna's understanding that the developer should not be required to provide cash in lieu of or to plant trees elsewhere, and he believes that to be the Township's understanding as well.

Supervisor Bennington commented the point remains that those trees were required to be planted on those lots when the final plan was approved. Mr. McKenna reminded the Board of the note on the plan which gives the Township the power to waive those trees. Mr. McKenna does not agree that the trees should be planted just because they were shown on the plan and believes the existing vegetation can take the place of the buffer plantings as shown on the plan. Supervisor Bennington wondered how Mr. McKenna can determine that the Board of Supervisors would have approved the final plan in the first place if those trees had not been part of the approval. Mr. McKenna replied that decision is a field decision and there are many field decisions made between the engineer and the builder in the course of the subdivision. Mr. McKenna commented the logic of a buffer planting is to soften two zoning areas, and there is more than 100 yards between the rear property lines of the Country Roads lots and the existing homes on Walnut Street. There is an existing row of very strong vegetation and Mr. McKenna does not believe there is a need for additional buffer planting. If the developer had planted the trees as specified on the plan, Supervisor Bennington noted there would not have been a need for surveying the homeowners as to whether they wanted the trees or not. In Mr. McKenna's opinion, there were far more trees planted than necessary, according to the note on the plan.

Mr. Wynn commented there were 47 trees required to be planted in Phase I of Country Roads. In fact, Mr. Wynn stated Mr. McKenna acknowledged that 47 trees were required in a letter dated November, 1995 which states "I realize the trees were part of the original approved plan, and thus I am requesting a waiver of installing the trees." Further, Mr. Wynn advised that Mr. McKenna had indicated to the Township in the fall of 1995 that none of the homeowners were expecting installation of trees, even though the trees were shown on the approved plan. Mr. McKenna explained he and his staff had conversations with the homeowners involved, and a number of residents did not want the trees planted. However that matter was rectified by surveying the property owners. Had those trees been planted before the homes were occupied, as was required on the plan, Mr. Wynn noted all 47 trees would have been installed. Mr. McKenna argued that he specifically met Mr. Wynn at the site and it was acknowledged that the existing vegetation might not require the installation of all 47 trees. At the time, Mr. Wynn explained to Mr. McKenna that it was a decision for the Board of Supervisors to make.

Supervisor Bennington stated there was a reason the Board of Supervisors approved the installation of a certain number of trees in Phase I of this development. Mr. McKenna agreed, stating the plan was designed in accordance with the Subdivision Ordinance, which requires a certain number of trees to be planted. Supervisor Bennington commented that is his whole point. The developer was required to install a certain number of trees, which has not been done, therefore, Supervisor Bennington feels the remaining trees should be installed elsewhere. Since the Township is erecting seasonal storage buildings to the rear of the municipal building, Supervisor Bennington suggested those extra trees be planted as a buffer around the buildings. Mr. McKenna feels he is being "handcuffed" by the Township and believes that what is being requested of him was never part of past conversations he had with the Supervisors. Supervisor Bennington disagreed, stating the Board has always tried to work with Mignatti Ventures with regard to the Country Roads development.

Supervisor Fox advised the Ordinance states that the Planning Commission decides whether or not the number of buffer plantings can be reduced, and felt the developer should appear before the Planning Commission. However, since he understands that the developer is facing time constraints, Supervisor Fox suggested the extra trees be planted on their own property within Country Roads in order to embellish that development. Mr. McKenna appreciates the offer being put forth in the spirit of cooperation and was agreeable to the suggestion.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to allow Mignatti Ventures to

transfer those extra trees which were required on lots in Phase I of the Country Roads development, and place them within the open space of that development.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to release liens for Phases III and IV of the Country Roads development.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the development agreement and the financial security agreement for the Country Roads Phases III and IV development.

Mr. Wynn explained the current Letter of Credit for Country Roads Phase I expires on June 30, 1996. Mr. McKenna recently received the maintenance bond amount and correspondence from Mr. Wynn's office. If the Board would consider making acceptance conditional upon the posting of that bond, Mr. McKenna will extend the Letter of Credit to put the maintenance bond in place. Mr. McKenna agreed to resolve that issue with the Township Solicitor and the Township Manager. Mr. Wynn recommended the Board commence the maintenance period for Country Roads Phase I conditional upon the installation of ten additional trees in the open space area and the receipt of a bond or letter of credit in the amount of the required 18 month maintenance period.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize the commencement of the 18 month maintenance period for Phase I of Country Roads, to begin immediately, conditioned upon the ten trees being placed into the open space; and to approve the bond or Letter of Credit for Phases III and IV of Country Roads to guarantee the maintenance period.

3. Solicitor Wuerstle presented a resolution for acceptance of a Declaration of Easement and Dedication of right-of-way of Diamond Street for the Adolph Jager Subdivision. This is accompanied by development agreements and financial security agreements. A Letter of Credit has been established with First Savings Bank in the amount of \$11,880.00.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **adopt Resolution #96-20 to accept the Declaration of Easement and the Dedication of the right-of-way of Diamond Street for the Adolph Jager Subdivision.**

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the development agreement and the financial security agreement for the Adolph Jager Subdivision.

4. Solicitor Wuerstle presented a resolution for acceptance of a Declaration of Easement and Dedication of the right-of-way of Hilltown Pike for the Hersh Subdivision.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **adopt Resolution #96-21 to accept the Declaration of Easement and the Dedication of the right-of-way of Hilltown Pike for the Hersh Subdivision.**

5. Signed settlement agreements were received this afternoon in the Bernie Enterprises matter. The documents have been signed by Mr. and Mrs. Smith and by Mr. Metzger, however Solicitor Wuerstle noted no settlement check accompanied those documents. It is recommended that the Board approve the settlement, contingent upon receipt of the settlement funds by the end of this week.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the three party agreement in the Bernie Enterprises matter pending receipt of the settlement check by Friday, June 28, 1996 at the close of the business day.

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

1. Orchard Glen Subdivision - Mr. George Collie of Heritage Building Group was in attendance to present the plan. Mr. Collie has attempted to keep the basic road alignment the same as was proposed for the former Elysian Fields plan. The road goes back as far as it does to preserve the existing farmhouse. The cartway comes out onto Orchard Road, which Mr. Collie feels is the most advantageous location from a planning and engineering standpoint for visibility. An agreement was made between Heritage Building Group and the Township to submit this plan under the old Zoning Ordinance and the new Subdivision Ordinance. In exchange, the applicant agreed to complete all of the road improvements to Orchard Road, exactly as proposed under the Elysian Fields plan. This included the acceptance of any costs for temporary easements. This particular item met with a great deal of discussion at the Planning Commission meeting, in so much that there are some new specifications for road construction in the current Subdivision/Land Development Ordinance. Mr. Collie assured the Board that the developer will construct the roadway to the same specifications as proposed in the Elysian Fields plan. As a compromise, the Planning Commission suggested the developer use the former road bed specifications, but also do an overlay of Orchard Road. Mr. Collie believes this suggestion met with the Township Engineer's approval. Mr. Collie explained Orchard Road is being widened on the Slifer side of the road, from Hillcrest Road to Pleasant Springs. Mr. Wynn requested that the developer do additional widening across the street on Orchard Road in the amount of approximately 220 ft. of distance, which would allow access in and out of Orchard road in

a better manner.

The applicant agreed to overlay Orchard Road from Pleasant Spring Lane to Hillcrest Road. However, Mr. Collie is seeking a modification of that request this evening. Orchard Road, near Morgan Lane, presently has new road surface for approximately 600 ft., and he does not feel the applicant should be required to overlay that particular 600 ft., although they are agreeable to do the saw cut and whatever widening is necessary on that side of the street to feather the area in. The Planning Commission also agreed that in consideration of doing the substantial overlay work, the applicant would not be required to install a sidewalk from Cassandra Drive, northeast towards to Pleasant Spring Lane to the end of the developer's property. Sidewalk will be installed from Cassandra Drive in a southeasterly direction, down to Morgan Lane. The sidewalks will be installed to match the existing sidewalk located on the opposite side of the street. Supervisor Bennington asked if the Planning Commission is aware of the overlay modification as requested by Mr. Collie this evening. Mr. Collie replied that issue was not raised before the Planning Commission because it just recently came to his attention. Mr. Wynn believes the developer of Orchard Station installed that 600 ft. of new road surface on Orchard Road in the late 1980's.

Further, Mr. Collie advised Heritage Building Group will be back before the Board with proposals for the Finkelstein and Jager properties, and the developer will be doing substantial work on Orchard Road for those developments as well. Mr. Collie requested that the developer not be required to do any overlay on Orchard Road until those two other subdivisions are formally submitted. Heritage Building Group will be happy to escrow the funds for that work. The Board was agreeable to establishing an escrow for this road work.

The revised final plan for the Orchard Glen Subdivision was unanimously recommended for approval by the Planning Commission subject to the following conditions:

- Ownership and maintenance of open space must be resolved with the Board of Supervisors. The Planning Commission recommends that 3.35 acres of open space along the stream in the southwest corner of the site (between Hilltown Township owned open space within the Pleasant Meadows Subdivision and the Orchard Station Subdivision) be dedicated to the Township. The balance of the open space area is recommended to be deed restricted with an appropriate covenant included in the deed and on the plan to guarantee the open space shall not be built upon by the individual property owners.

Mr. Collie noted the detention basin will be deeded to Lot #10, and the owner of that lot will be responsible for the maintenance of

the basin. Supervisor Bennington wishes to insure that the owner of Lot #10 is aware of their responsibility for maintenance of the detention basin, because the Township has experienced controversy with similar situations in the past. Mr. Wynn advised this will be noted on the deed of Lot #10 and will also be noted on the plan and on easement documents.

- Waivers of Subdivision Ordinance requirements as requested in the Boucher and James, Inc. correspondence dated May 17, 1996 were approved with the following noted:

a. The waiver requested of Section 506 requiring leveling course overlay of Orchard Road along the frontage of the site was withdrawn by the applicant. The Planning Commission recommends that the applicant construct the widening portion of Orchard Road in accordance with the "old" specifications of the Township, provided the applicant widen approximately 200 feet of Orchard Road on the opposite side of the street, and install a 1 1/2 to 2 inch overlay on Orchard Road along the entire frontage of the site. The applicant was agreeable.

b. The applicant has requested a waiver of Section 525.2 which requires installation of recreational facilities. An offer of \$7,500.00 cash donation has been made. The Planning Commission recommends that the Township accept a donation in lieu of recreational facilities with the amount determined by the Board of Supervisors.

Because the balance of the open space is recommended to be deed restricted with an appropriate covenant, the developer is not proposing any recreational facilities in this subdivision. The Ordinance requires a tot lot and a play field, which is nothing more than a level area for children to play. Heritage Building Group is proposing a cash donation to Hilltown Township in the amount of \$7,500.00 to be used for recreational purposes at another location. This amount is the cost of a similar tot lot the developer recently constructed in Warwick Township, including seeding, shrubs, fencing, and the play equipment.

Further, at the Planning Commission meeting Supervisor Fox suggested the developer provide a donation for emergency services. The developer is willing to provide a \$100.00 per dwelling unit donation towards emergency services.

Supervisor Fox stated many of these waiver requests were recommended for approval by the Planning Commission due to the applicant's willingness to overlay Orchard Road, however Mr. Collie

has now made a request this evening that a 600 ft. section of Orchard Road not be required for overlay. Supervisor Fox feels the cost of the 600 ft. overlay the developer is no longer proposing should be shared with the fire company servicing this area. With the amount of dwelling units proposed, Supervisor Fox is very concerned about the fire fighting costs involved with a development of this size. Supervisor Fox believes that three quarters of the cost of that overlay should be added to the developer's donation to the fire company. Mr. Collie reminded the Board that the overlay was not a condition that Supervisor Bennington put in the motion for approval of this plan. The overlay is something the developer had proposed since that time. The developer's entire cost for the proposed work on Orchard Road is approximately \$170,000.00, which is a very substantial amount. At the last Planning Commission meeting, the applicant also agreed to perform additional road widening which was not part of the original Orchard Road improvements. Further, the applicant still has no idea what the temporary easements may cost. Supervisor Fox feels that because the applicant had volunteered to overlay Orchard Road, the Planning Commission agreed to several other waiver requests that they might not have recommended for approval if that offer had not been made. Supervisor Fox is willing to allow the applicant to present this new request for reconsideration, since the Planning Commission did not have the opportunity to discuss it. Further, Supervisor Fox totally disagrees with the recreational fee as offered by the developer. Also, Supervisor Fox does not feel that the offer of \$100.00 per dwelling as a donation to the fire company is sufficient. Since he was not present at the Planning Commission meeting where the issue of the overlay was discussed, Supervisor Bennington asked for clarification as to which waivers might not have been recommended for approval had the Planning Commission been aware of the applicant's newest request. Mr. Wynn explained the applicant originally requested a waiver of the requirement to overlay the street. The result of that specific item was that the all the road widening could be done to the former specifications, and that there would be no sidewalk east of the intersection of Cassandra Drive and Orchard Road. Supervisor Bennington commented there would be a considerable amount of money involved to install sidewalks. Mr. Collie noted the cost to install 650 ft. of sidewalk would be approximately \$4,800.00, and the cost for 400 ft. of overlay would be approximately \$5,600.00. Chairman Bennett commented that when Sterling Knoll, a large development, was constructed several years ago, the contribution was approximately \$550.00 per dwelling unit. Mr. Collie believes that development pre-dated the latest legislation in the Commonwealth and also wondered to what extent road improvements were needed for that development. Mr. Collie advised \$170,000.00 for the Orchard Road overlay reflects \$5,000.00 per dwelling unit, which is a significant cost for road improvements. Further, the rear stormwater line is proposed at approximately \$40,000.00.

Discussion took place. Supervisor Fox suggested the developer provide a \$5,000.00 donation to the fire company. Chairman Bennett agreed that the volunteer fire companies are struggling to provide adequate service with the financial difficulties they experience.

***Chairman Bennett called for a 10 minute recess at 9:42PM. The regularly scheduled June 24, 1996 Board of Supervisors meeting was reconvened at 9:55PM.**

Supervisor Fox feels a reasonable donation figure would be \$5,000.00 for the fire company and a \$15,000.00 donation for recreational use. Mr. Collie can not agree to a \$15,000.00 donation for recreational use, however he would be willing to provide a \$5,000.00 donation to the fire company. Mr. Collie reminded the Board that the Ordinance does not require this donation. If the developer is not willing to consider this compromise, Supervisor Fox suggested the plan go back before the Planning Commission. Mr. Collie commented the Township has no right to ask for a donation to the fire company or a donation for recreation use. Supervisor Bennington does not feel a donation of \$15,000.00 for recreational use is unrealistic, in lieu of the applicant going back to the Planning Commission for their recommendation. Mr. Collie disagreed, noting all the things the developer is doing, off-site and on-site, that they are not required to do. Supervisor Bennington reminded Mr. Collie that the developer was granted waivers for doing something the Planning Commission agreed to. Mr. Collie stated the developer has agreed to do \$72,000.00 worth of additional work on Orchard Road that they would not have to do if they submitted a regular plan. The developer has also agreed to do an extra \$15,000.00 to \$20,000.00 of stormwater work on the site to assist with an existing problem. Supervisor Bennington noted recreational facilities or fees in lieu of, is a totally different matter. Supervisor Fox does not feel \$7,500.00 is enough for recreational facilities for a development of this size. Supervisor Bennington agreed, stating there are no recreational facilities in the area of this proposed subdivision, and there will be even more dwellings constructed by Heritage Building Group in their two other proposed subdivisions.

Motion was made by Chairman Bennett to accept a donation of \$5,000.00 to the fire company, and a donation of \$10,000.00 for recreational use. There was no second to the motion.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to accept a donation of \$17,500.00 from the Orchard Glen development, with \$5,000.00 for the fire company, and \$12,500.00 for recreational use, conditioned upon the applicant not paving that 600 ft. stretch of Orchard Road at Morgan Lane with an overlay.

c. In consideration of the overlay paving, the Planning Commission recommends a waiver of sidewalk east of the new entrance. However, sidewalk must be constructed along Orchard Road to the intersection of Morgan Lane. The applicant was agreeable.

d. Request for waiver of Section 516.6.B(8) which requires flared end section to include a grate at the outfall opening is unanimously recommended to be denied. The applicant was agreeable.

Mr. Collie noted the applicant is withdrawing their request for a waiver of Section 516.6.B(8) because the plan has been redesigned slightly.

- Improvements to Orchard Road will require acquisition of temporary construction easements from various property owners. Costs associated with the acquisition of these easements shall be the responsibility of the developer, who was agreeable to these terms.

- The detention basin is proposed to be located within the easement area on Lots #9 and #10. Appropriate easement documents, plan notation, and possible deed notation must clearly indicate to the property owners their responsibility to maintain the basin. The property lines must be revised such that the basin is located entirely on Lot #10. The applicant was agreeable.

- Verification of approval must be received in writing from DEP for the proposed discharge of stormwater into the existing stream/floodplain area.

- Sewage facilities planning modules must be approved by the Township, the Bucks County Health Department, and DEP.

- Verification of approval must be received in writing from the Hilltown Township Water and Sewer Authority for proposed sanitary sewer facilities and public water system.

- The plan must be reviewed by the fire company servicing the area relative to the location of fire hydrants. The applicant received verbal verification from the local fire company for placement of the fire hydrants today.

- Landscaping at the detention basin must be revised to provide a mixture of evergreens and shrubs, particularly in the rear of Lots #9 and #10, to reduce the visual impact of the detention basin from those rear yard areas. The applicant was agreeable.

- Snow storage easement location should be reviewed and approved by the Township Director of Public Works within the proposed cul-de-sac turnaround area of Yarrow Court.

- Legal descriptions for all streets, easements, and open space areas must be submitted for review. All legal descriptions must be signed and sealed by the responsible surveyor and contain the area of the easement, right-of-way, or open space.

- Financial security/development agreements must be executed between the applicant and the Township to guarantee installation of all required improvements.

- Proposed street name of "Cassandra Drive" is subject to review by the postmaster and approval by the Board of Supervisors. Mr. Collie has spoken with the post office and determined that the street name as proposed is satisfactory.

- All engineering/drafting details contained within the engineering review dated June 10, 1996 must be accomplished in a manner satisfactory to the Township.

Mr. Collie advised the developer is proposing three street lights within the subdivision, with one to be located at Cassandra Drive and Orchard Road, one to be located at Cassandra Drive and Yarrow Court, and one to be located at the end of the cul-de-sac. The applicant has also agreed to install lights at the end of each driveway for every homeowner. Supervisor Bennington wished to insure those driveway lights are installed prior to occupancy of the dwelling and Mr. Collie assured the Board that would be done.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to recommend final plan approval to the Orchard Glen Subdivision, pending completion of all outstanding items as noted in Mr. Wynn's engineering review dated June 10, 1996 and as discussed this evening.

2. Haberle Subdivision - This lot line adjustment subdivision plan located on Clearview Road was unanimously recommended for approval by the Planning Commission subject to completion of all outstanding items as contained within the engineering review dated May 30, 1996. The Planning Commission also recommended waiver of all street improvements including cartway widening, curb, and sidewalk.

Mr. Wynn explained there is presently a horse that is 20+ years old residing in the existing barn on the property. The applicant would like to continue this non-conforming use, though the Planning Commission did not agree to approve this request since it is a zoning matter. The Planning Commission did, however, recommend

that a note be added to the plan indicating that an A.1 Agriculture use is not permitted on this property.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to approve the lot line adjustment for the Haberle Subdivision, pending completion of all outstanding items as noted in Mr. Wynn's engineering review dated May 30, 1996.

3. Beer Subdivision - The Planning Commission unanimously recommended final approval to the Beer Subdivision, located on Twin Brook Road, subject to completion of outstanding items as contained within the engineering review dated May 30, 1996. Mr. Wynn explained the plan proposes to subdivide Lot #1, which contains an existing farmhouse, shed, driveway and septic system (to be replaced) from a total tract area of approximately 90 acres. The balance of the tract, Lot #2, will remain in agricultural use. Mr. Beer had indicated to the Planning Commission that he intends to subdivide two more lots from Lot #2 in the future. The applicant requested a waiver of street improvements, however Mr. Wynn noted the applicant has completed some grading along the frontage of the site to improve the ditch line along Lot #1. It is acknowledged that Lot #2, unlike Mr. Beer's main farm, is not restricted from the agricultural use. A note will be placed on the plan which states that if Lot #2 is further developed, improvements to Twin Brook Road could be required by the Township across the frontage of Lot #1. Lot #2 is proposed as a non-building waiver, rather than planning modules, which must be approved by the Bucks County Health Department. Lot #2 consists of 86 acres, including the right-of-way, and Lot #1 consists of 2.67 acres, including the right-of-way.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant final plan approval to the Beer Subdivision, pending completion of any outstanding items as listed in Mr. Wynn's engineering review dated May 30, 1996.

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

1. Bridle Run - Mr. Wynn explained the Bridle Run Subdivision, located on Central Avenue, is ending its 18 month maintenance period. The applicant received a punchlist in May which includes a number of outstanding items. The developer will not have those items completed by the end of June and has asked for an extension until July 27, 1996 in order to complete the improvements.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the extension for the Bridle Run Subdivision until July 27, 1996 in order to complete the improvements as noted.

2. Schade Tract Subdivision - This is the subdivision which was defaulted by the Board earlier this year. Some work has been done on the site, though it is not yet complete. The swale trench boxes are being installed on Rickert Road.

3. Our Lady of Sacred Heart - Mr. Wynn advised the 18 month maintenance period for Our Lady of Sacred Heart is expiring in July. For that purpose, Mr. Wynn inspected the site to determine the status of the public improvements which were guaranteed by the development agreement. Those improvements consisted of landscaping, buffer yards, and two trench grate driveway entrances onto Broad Street. All of these improvements are in order. Mr. Wynn recommends acceptance of completion of the maintenance period for Our Lady of Sacred Heart Church, and to authorize disbursement of their Letter of Credit, less any Township costs.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to accept the completion of the 18 month maintenance period for Our Lady of Sacred Heart Church, and to authorize disbursement of the escrow, less any Township costs.

4. Quiet Acres Letter of Credit - Mr. Wynn explained that Quiet Acres letter of credit is expiring at the end of this month. The Township is in receipt of an extension of the letter of credit through August 19, 1996, though Mr. Wynn feels it should have been extended further.

5. D. Daryl Derstine Land Development - This land development is located on Schoolhouse Road. Correspondence has been received from the applicant's engineer advising that monuments have been installed in accordance with the plan and a letter of credit has been established in the amount of \$4,365.29. Mr. Wynn recommends that the 18 month maintenance period commence for this development.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to commence the 18 month maintenance period for the D. Daryl Derstine Land Development.

J. LINENS FOR SIGNATURE:

1. Jager Subdivision
2. Hersh Subdivision
3. Loeffler Lot Line Change - Re-date
4. Rumer Subdivision

K. RESIDENT'S COMMENTS:

1. Mr. John Kachline, a member of the Hilltown Township

Planning Commission, feels the Board of Supervisors and the Planning Commission are too lenient with developers. Chairman Bennett asked Mr. Wynn if he felt that statement was true. Mr. Wynn, who represents nine townships, believes that Hilltown Township receives as many improvements and as much money as most municipalities for larger developments. Mr. Wynn agreed that Hilltown Township does not have requirements in place for impact fees which other communities have, however those other communities might not necessarily have a developer agree to completion of off-site improvements.

L. SUPERVISOR'S COMMENTS:

1. Supervisor Bennington asked how many lots are proposed in the two other developments as submitted by Heritage Building Group. Supervisor Fox believes there are approximately 130 homes proposed in both developments combined.

2. With regard to the sidewalks on Harvest Lane, Supervisor Bennington asked if there is an Ordinance in place that requires residents with sidewalks to repair and maintain them if need be. Mr. Wynn replied there is not. Supervisor Bennington feels it is necessary for the Township to adopt such an Ordinance to insure that residents maintain the sidewalks in front of their homes. Mr. Wynn stated in a new development, sidewalks are traditionally located within the right-of-way, which is fee simply owned by the Township. Supervisor Bennington advised the sidewalks on Harvest Lane are in terrible shape, and noted the surfaces are actually crumbling. Mr. Horrocks and Mr. Wynn both agreed the sidewalks in Harvest Lane are in need of repair, however neither believes they are in such poor repair that they are a danger to anyone.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize Mr. Wynn to review sidewalk Ordinances which are in place in neighboring municipalities.

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 June 24, 1996 Board of Supervisors meeting was adjourned at 10:37PM.

Respectfully submitted,



Lynda Seimes
Township Secretary