

HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED PUBLIC MEETING
Monday, January 22, 1996
7:30PM

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr. at 7:36PM and opened with the Pledge of Allegiance.

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

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

A. APPROVAL OF MINUTES:

Action on the minutes of the December 26, 1995 Board of Supervisors Meeting: Supervisor Fox noted the following correction:

- pg. 15, fourth paragraph, second sentence, should read "Supervisor Bennington stated he is not an expert in billboards or signs; however he also knows that there is a Pennsylvania Supreme Court decision (J.B. Stevens) that struck down the enforceability of the billboard portion of the Zoning Ordinance."

Supervisor Fox continued explaining the J.B. Stevens case, however Supervisor Bennington noted that statement was not made at the December 26th meeting. Supervisor Fox agreed to continue his statement during the "Supervisor's Comments" portion of the meeting.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the December 26, 1995 Board of Supervisors Meeting, as corrected.

Action on the minutes of the January 2, 1996 Board of Supervisors Reorganization Meeting: Supervisor Bennington noted the following corrections:

- pg. 1, item B, should read "B. SELECTION OF TEMPORARY SECRETARY: Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to appoint **Lynda Seimes** as Temporary Secretary."

- pg. 2, item #4, should read "4. Code Enforcement Officer
- Motion was made by Supervisor Bennington, seconded by Supervisor

Fox, and carried unanimously to appoint Mr. Michael Gardner, **representing East Rockhill Township, via contract**, as Code Enforcement Officer for 1996.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the January 2, 1996 Board of Supervisors Reorganization Meeting, as corrected.

B. APPROVAL OF CURRENT BILLING: Chairman Bennett presented the Bills List dated January 23, 1996 with General Fund payments in the amount of \$94,431.98; State Highway Aid payments in the amount of \$21,638.47; and Escrow Fund payments in the amount of \$3,805.70; for a grand total of all funds in the amount of \$119,876.15.

Chairman Bennett questioned the bill on page 5 from Pennsylvania Police Supply for Smith and Wesson/Mag/Sights in the amount of \$8,466.00. Chief Egly replied the Police Department has not purchased firearms for ten years. Also, Chief Egly explained the company will be buying back trade-in weapons from the Township. Chairman Bennett questioned the bill on page 4 from the North Penn Water Authority for fire hydrant rental for one year in the amount of \$1,881.00. Mr. Horrocks believes that fee represents 51 hydrants in the North Penn Water system within Hilltown Township.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List dated January 23, 1996, subject to audit.

C. TREASURER'S REPORT - Mr. Bruce G. Horrocks - Mr. Horrocks presented the Treasurer's Report with the following balances as of January 19, 1996:

General Fund Checking Account	\$	156,828.80
Payroll Checking Account	\$	329.40
Fire Fund Checking Account	\$	15,728.77
Debt Service Investment Checking Account	\$	45,161.44
State Highway Aid Checking Account	\$	40,544.00
Escrow Fund Checking Account	\$	104,086.15

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Treasurer's Report dated January 19, 1996, subject to audit.

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

E. CONFIRMED APPOINTMENTS:

1. Mr. Bob Wendig - Agricultural Security District - Mr. Wendig was in attendance to give the Board of Supervisors a

progress report on the Agricultural Area Security District. The Committee is pleased to report, per Resolution #96-9, that the review of the Hilltown Agricultural Area is now underway and the following actions have been taken:

- Legal advertisement appeared in the News Herald on January 10, 1996.

- A complete mailing was made by the Township Manager to all current participating landowners.

- A deadline of February 9, 1996 was set for all applicants to submit applications.

By State law, the Township is to complete this Agricultural review process in 120 days, with January 9, 1996 as the start of the 120 day review. After the February 9, 1996 deadline when all applications have been received, Mr. Wendig advised the Agricultural Advisory Committee will hold a meeting with a report to follow to the Board of Supervisors. The Board of Supervisors must then schedule a Public Hearing, and then approve or modify the Agricultural Security Area.

As the Board is aware, this program offers a number of benefits to the landowners, including protection from nuisance lawsuits, limiting the use of land condemnation procedures, and possibly some financial benefits to full-time farmers.

Mr. Wendig advised all applications and additional information can be obtained from Lynda Seimes at the Township office.

The Committee is pleased to report that they have received an excellent response from the mailing and favorable comments from personal contact with most of the Agricultural Committee members.

Mr. Wendig noted Hilltown Township has one of the largest Agricultural Security Areas in Bucks County and the Committee hopes that Hilltown can become the largest Agricultural Security Area in the County.

If you are already a member of the Agricultural Security Area, Chairman Bennett asked if a resident must apply again. Mr. Wendig explained each active member received a mailing and residents must complete and return the form that they received.

Further, Chairman Bennett cited page 10 of the handbook concerning Agricultural Security Districts, which states "A farm must, however, still be located in a 500 acre Agricultural Security Area." Chairman Bennett asked if that means there must be 500 acres of Agriculture Security land in the Township or if it means

your property must be within a certain 500 acre area. Originally when the law was established, Mr. Wendig stated there had to be a minimum of 500 non-contiguous acres to form an Agricultural Security Area. That requirement has since been changed, however, and now there is a requirement for a minimum of only 250 acres. Therefore, to form an Agricultural Security Area within Hilltown Township, a minimum of 250 acres of non-contiguous ground is required. In 1986, the Township had the second largest Security District in the County with almost 2,800 acres of ground.

Up to this point, Chairman Bennett believes there is only one farm that has gone into development rights, with the second one in the process. Mr. Wendig noted that is correct, and stated that hopefully there will be others in the future. Most of the farms the County has purchased development rights for have been located in the lower part of Bucks County. Fortunately, the County has been persuaded to recognize that there are a great deal of larger farms in the northern part of Bucks County, including Bedminster, Hilltown, and Springfield.

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

1. Mr. Horrocks presented twelve Escrow Releases for the Board's authorization, all of which are bank held letters of credit:

Bricks Villa	Voucher #12	\$	495.95
Bricks Villa	Voucher #13	\$	33,916.23
Country Roads Phase I	Voucher #47	\$	670.75
Country Roads Phase II	Voucher #19	\$	372.00
Gro-N-Sell Inc.	Voucher #05	\$	136.50
Hilltown Hunt	Voucher #09	\$	257.70
Hilltown Hunt	Voucher #10	\$	168,693.26
Hilltown Hunt	Voucher #11	\$	18,743.63
Hilltown Crossings	Voucher #06	\$	14,162.05
Hilltown Crossings	Voucher #07	\$	121,912.21
Hilltown Crossings	Voucher #08	\$	6,988.30
Quiet Acres	Voucher #17	\$	453.20

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

2. Mr. Horrocks presented Resolution #96-10 for the Board's consideration. This Resolution is to accept 100% of County Liquid Fuel Aid in 1996.

Motion was made by Supervisor, seconded by Supervisor, and carried unanimously to **adopt Resolution #96-10, accepting 100% of Bucks County's Liquid Fuel Aid for 1996.**

3. For the Board's information, Mr. Horrocks advised the P.B.A., which is the bargaining unit of the police department, has agreed to enter a six month trial period of operating with 12 hour shifts for officers. The P.B.A. has also agreed to increase vacation, sick, and personal days to 12 hours, instead of the standard 8 hour days, so that there will be no increase, loss, or cost to the Township.

4. Every year the Bucks County Association of Township Officials compiles a list of resolutions to possibly be adopted at their February convention. This list will be reviewed by their legislation committee in order for them to be adopted at the State convention held in Hershey, Pennsylvania in April. Mr. Horrocks presented information concerning a bill regarding State paid traffic control devices on any State highways or at any intersection with a State highway and a Township roadway. This bill proposes that the State assumes the electrical and maintenance costs of those traffic signals.

Supervisor Bennington felt this type of proposal was an excellent idea, and stated he would like to take it a step further by exempting Townships from lawsuits that occur at State intersections. Supervisor Bennington enthusiastically supports House Bill 2043, and his fellow Supervisors emphatically agreed.

5. Mr. Horrocks advised the Board authorized seven liens to be placed against property owners in the Telford area who have not paid their sewer bills. Mr. Horrocks explained that one of those individuals had sent her check to Telford Borough Authority, which included the payment to Hilltown Township, and it was paid prior to the date of the lien being placed; however there was an overlap of mail. Mr. Horrocks suggested the Board remove the lien from this individual with no fees involved, including the \$14.00 filing fee and any interest.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to remove the lien from the Schweinfurth property and to rescind the \$14.00 filing fee.

6. The Township received paperwork for the 1996 Community Development Block Grant in the amount of \$96,300.00 in today's mail. Those documents will be available for the Board's signature following this meeting.

7. For the Board's information, Mr. Horrocks noted it has been an exhausting two weeks for the Hilltown Township Public Works Department. The crew has worked 560 regular hours and 516 overtime hours in the past two weeks due to the severe weather. The Public Works Department worked on the initial storm on Sunday for 18 hours with five hours off that evening, on Monday for 11 hours with four

hours off that evening, and on Tuesday for 13 more hours. Then with the fairly small snowstorm that following Friday, the Public Works Department worked another 17 1/2 hours. The following week, with the 100 year storm that hit the area and with the melting snow and ice, the crew was again called into service on Friday, January 19th for 21 hours. They were then given four hours off that night and worked 10 hours on Saturday. Mr. Horrocks noted the figures are not yet complete, however he believes the Township has spent approximately \$20,000.00 in regular and overtime payroll over the last two weeks; and approximately \$31,500.00 to \$35,000.00 in materials, repairs, and supplies. Hopefully the Township will receive State reimbursement for these storms. Mr. Horrocks commented the Hilltown Township Public Works Department performed admirably and did an incredible job during these storms, putting in very long, very difficult hours in the process.

Supervisor Fox asked what was budgeted for this year. Combining General Fund and Liquid Fuels, Mr. Horrocks believes we are approximately 70% into the budgeted overtime figure; and over 60% into materials so far this winter.

Supervisor Fox received telephone calls from Hilltown residents, as well as residents of other communities, who expressed their approval concerning Hilltown Township roads as compared to roads in other communities. During the eight years Chairman Bennett has been on the Board, he is convinced that Hilltown Township could not have a better road crew. Chairman Bennett feels the Public Works Department is top notch, and congratulated them on a job well done. Supervisors Bennington and Fox agreed. Supervisor Bennington stated his wife takes the train to work each morning, and noted that other passengers commented on how much better the roads were in Hilltown Township than in other outlying municipalities.

G. CORRESPONDENCE - Mr. Bruce G. Horrocks -

1. Correspondence was received from Bunny's Animal Shelter advising that as of December 31, 1995, there were 138 dogs in residence.

2. The Pennridge School District sent correspondence seeking permission to participate in negotiations between Hilltown Township and potential developers. Supervisor Bennington wondered if it was legal for the school district to be included in negotiations and stated he personally does not feel it would be appropriate. Solicitor Grabowski advised the Municipalities Planning Code does not mention school districts as being eligible for involvement with the collection or assessment of impact fees.

Solicitor Grabowski suggested dialogue take place with the legal counsel for the school district to determine why they feel they have the right to make that request. Supervisor Fox believes there should be more clarity in the school district's request. The Board directed Mr. Horrocks to respond to the school district, requesting more details and to schedule discussions with their legal counsel in order to determine under what section of the law they feel they have the right to make this request.

3. The 1996 Budget has been received from the Hilltown Township Water and Sewer Authority.

4. The 1994 Local Government Financial Statistics Report, which includes figures for Hilltown Township, was received from the Department of Community Affairs.

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

1. There is an ongoing lawsuit by East Rockhill Township against the Penridge Wastewater Treatment Authority, Perkasio Borough Authority, and other municipalities. Hilltown Township had petitioned Judge Scott to remove Hilltown Township from the lawsuit since effectively they are not a party to the Sewage Treatment Agreement. Judge Scott agreed with Hilltown Township, and on January 18, 1996 she signed an Order removing Hilltown Township from the lawsuit.

2. Solicitor Grabowski provided a status report on the Baker case, advising the Township has filed an appeal of the decision by the Department of Environmental Protection to the Environmental Hearing Board, which is an administrative body located in Harrisburg. Copies of the appeal are available for public review this evening.

3. After a great deal of discussion with Meridian Bank, Solicitor Grabowski advised a check has been received under the default notice regarding the Schade Subdivision. Solicitor Grabowski presented the check from Meridian Bank, dated January 19, 1996 for the full amount of the outstanding Letter of Credit. In addition, after the developer learned of the action taken by the Township, he entered into a contract with a local contractor to complete the work. Mr. Wynn recommended that the contractor be permitted to do the work and to use these funds towards payment of that contract. The Supervisors were in agreement with Mr. Wynn's recommendation.

4. Mr. Horrocks advised there are linens for signature following the meeting which include Waste Management and Blosser Subdivision.

5. Mr. Horrocks requested authorization to attend the State Convention in Hershey, as a non-voting delegate.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to allow Mr. Horrocks, Township Manager, to attend the State Convention as a non-voting delegate.

6. Mr. Horrocks asked the Board to consider the adoption of Resolution #96-11 which deals with establishing fees under the Pennsylvania Municipalities Planning Code, with regard to recreational purposes or fees in lieu thereof, for subdivisions and/or land developments.

Supervisor Bennington asked why this matter was not discussed at the Reorganization meeting. Mr. Horrocks noted he did not include it in the 1996 Fee Schedule Resolution. Supervisor Bennington asked if the Township Solicitor has reviewed this proposed Ordinance and asked if it is legal. Solicitor Grabowski had not seen the proposed Resolution prior to this meeting. Chairman Bennett believes that any fees of this nature must be in the form of an Ordinance. Supervisor Fox commented the Subdivision Ordinance addressing these fees was previously adopted, and stated that the proposed Resolution merely designates fees. Solicitor Grabowski feels that this Resolution is premature, and advised the Subdivision Ordinance as it was adopted, contains one sentence that discusses the ability of the Township to assess Recreational Impact Fees based upon an approved Recreation Plan. The Park and Recreation Board will be meeting on Wednesday, January 24, 1996 in order to proceed with updating and proposing major revisions to the Recreation Plan. Approximately three months ago, Solicitor Grabowski submitted an opinion which contained an amendment to the Subdivision Ordinance allowing for the creation of assessments for recreation fees. Not only is an approved Recreation Plan required, but the value of land involved must be determined. Solicitor Grabowski previously discussed this matter with the Planning Commission. Supervisor Fox agreed, noting that it was also discussed seven years ago when the Township Solicitor recommended against it, and it has cost the Township millions of dollars. Solicitor Grabowski commented that he did not recommend against it seven years ago. Supervisor Fox believes the Ordinance states that in lieu of certain requirements, fees can be accepted. Solicitor Grabowski proposed to the Planning Commission a six page amendment to the Subdivision Ordinance, which would be the new Section 940, discussing land fees and requirements; however the Planning Commission tabled the matter early this year for further review. Supervisor Fox believes that what Solicitor Grabowski is saying is that Hilltown Township has a Subdivision/Land Development Ordinance that has no "teeth" to it. Solicitor Grabowski stated he is speaking of a Park and Recreation Plan to quantify the amount of money that is needed for that Park and Recreation Fund. The

Municipalities Planning Code must be read closely to find, by way of a formula, how to arrive at the assessment. The Resolution before the Board this evening has an arbitrary figure, and Solicitor Grabowski has no clue as to how that figure was arrived at. Supervisor Fox believes that figure is the lowest figure that any municipality charges, and stated most municipalities charge that fee or even more. Solicitor Grabowski agreed that may be correct, if there is a reasonable basis for doing so. If the Township is going to follow the Municipalities Planning Code to establish an assessed figure for recreational purposes, Solicitor Grabowski noted the law must be followed, which is much more complex than a half page Resolution.

Supervisor Bennington asked Mr. Horrocks who directed him to draft this proposed Ordinance. Supervisor Fox commented he asked Mr. Horrocks to present this Resolution to the Board of Supervisors. Supervisor Bennington advised Mr. Horrocks not to act on the direction of only one Supervisor in the future and Chairman Bennett agreed.

It is Chairman Bennett's understanding that a Park and Recreation Plan is needed prior to the passage of any such Resolution. Supervisor Fox noted there is an approved Park and Recreation Plan, however it is approximately six years old. Supervisor Fox commented the Ordinance itself states that if developers do not wish to donate land or construct a park, they are permitted to donate fees in lieu of, through negotiations. Supervisor Fox would like a second legal opinion on this matter, since he has been trying for seven years to get this through and the Township has lost millions of dollars as a result. If Supervisor Fox would like Solicitor Grabowski to meet with the Planning Commission once again, he would be more than happy to comply. Chairman Bennett noted the Township obtained a second legal opinion several times in the past, at Supervisor Fox's request, and lost money because of it. Therefore, Chairman Bennett is not prepared to do so again. Supervisor Bennington suggested that the Township Solicitor make his presentation on this matter at the joint meeting to be held with the Park and Recreation Board, Planning Commission, Board of Supervisors, Township Engineer, and the Bucks County Planning Commission, scheduled for January 24, 1996. Chairman Bennett was in agreement. Mr. Horrocks noted this is the only item on the agenda for that meeting. Solicitor Grabowski explained the Park and Recreation Board has been provided copies of Park and Recreation Plans adopted by other municipalities and are the basis for which assessed recreational fees have been determined.

I. PLANNING - Mr. Bruce G. Horrocks, Township Manager -

1. Bilt-Rite (Formerly Todd Motors) - This plan proposes to construct a 1,544 sq. ft. addition to the existing office building

located on the site and to enclose two roof areas which totals 1,039 sq. ft.. Bilt-Rite intends to remodel the former Todd Motors building for their own office use.

The Planning Commission unanimously recommended a waiver of land development to permit the applicant to proceed with building improvements after obtaining the necessary zoning and building permits. If approved by the Board of Supervisors, a condition of the waiver should require the applicant to reimburse the Township for all costs incurred during the review of the projects.

Mr. Ashley Spearman, architect, and Mr. Joe Decker, owner of the site, were in attendance to present the plan. Mr. Decker purchased this parcel for the purpose of occupying the building that is located nearest Bethlehem Pike for his company, Bilt-Rite Construction. The applicant is proposing certain minor modifications to the building.

Chairman Bennett asked the total acreage of the site. Mr. Decker replied the property consists of 37 acres.

Mr. Spearman presented a plan showing the building in question and what is proposed as far as renovations. Since the proposed improvements are so minor, Mr. Spearman is requesting that consideration be given to waiving the requirements for full land development submission. Mr. Spearman also presented a landscape plan showing green areas in great detail which will be added to the site. Planters are being proposed to the side and the front of the building, and the fence line is being removed between the front parking and the rear area. In that area, landscaping will be provided, as well as into what is now a large parking area so that the side view of the building will be more attractive. Along Bethlehem Pike, the existing paved area is to be partially removed and a soft strip of grass or shrubs is to be installed in that area. Mr. Spearman noted the applicant is not changing the impervious cover area by adding all the spaces, but in fact will be creating more green area than exists at present.

Mr. Spearman explained the side elevations visible from Bethlehem Pike simply show garage doors at present. Mr. Decker is proposing to replace those garage doors with windows and stucco, which they feel will be much more attractive.

Chairman Bennett feels the former Todd Motors property has been an eyesore for a number of years and is very impressed with the proposal made by Mr. Spearman this evening.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to waive land development requirements for the Bilt-Rite plan, as recommended by the Planning Commission.

2. Blooming Glen Restorations - Mr. Brook Rush and Mr. Daryl Derstine of Blooming Glen Restorations were in attendance to request a waiver of land development for the proposed commercial use and parking facilities at the site located on the northwest corner of Rt. 113 and Blooming Glen Road.

By unanimous vote, the Planning Commission recommended that an escrow be established with the Township to permit review of the sketch plan or the purposes of developing a "laundry" list of necessary land development waivers; and to review the Zoning Hearing Board Decision as it relates to their proposed improvements.

Mr. Horrocks noted that Mr. Wynn advised review of this proposal will encompass a one hour site visit, a one hour review of both the Zoning Hearing Board decision and the newly adopted Subdivision/Land Development Ordinance; and one hour to execute a written response. Mr. Wynn suggested that a \$300.00 escrow would be the maximum required.

Supervisor Bennington has read the Zoning Hearing Board decision regarding this case and has spoken to Mr. Wynn and the applicants. It seems to Supervisor Bennington that there are some issues that have remained open as to why the land development requirements were not recommended for waiver by the Planning Commission. Supervisor Bennington requested that Blooming Glen Restorations submit a list of issues via their engineer, which would be reviewed by the Township Engineer. Supervisor Bennington also suggested that a \$300.00 escrow be established with the Township. Mr. Wynn would then review the issues as presented and would provide information to the Planning Commission prior to their February 19, 1996 meeting. The Planning Commission would then make recommendations to the Board of Supervisors who would make a decision at their regularly scheduled meeting of February 26, 1996.

Supervisor Fox noted that the Zoning Hearing Board decision has nothing to do with land development and subdivision. Further, there are some outstanding problems that Mr. Wynn brought to the Planning Commission's attention, including water draining out on to the roadway and buffer areas. These issues were not and should not have been addressed by the Zoning Hearing Board.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to request that an escrow in the amount of \$300.00 be established by the applicant with Hilltown Township to permit review of the sketch plan for the purposes of developing a list of necessary land development waivers; and to review the Zoning Hearing Board decision as it relates to the Blooming Glen Restorations proposal.

J. ENGINEERING: None.

K. RESIDENT'S COMMENTS:

1. Mrs. Jean Bolger congratulated Blooming Glen Restorations on the wonderful job they are doing at the former Bishop Store.

Further, Mrs. Bolger stated the Public Works Department did a great job clearing the roads during the recent snow and rain storms.

Mrs. Bolger noted there is a large piece of construction equipment parked at the wellhouse on Rt. 152 and asked what it will be used for. Mr. Horrocks advised there is work being done on the sewer lift station.

L. SUPERVISOR'S COMMENTS:

1. Last month when Supervisor Fox commented on the Zoning Hearing Board decision to allow billboards in Hilltown Township, he spoke about Federal and State laws which prevent billboards due to blight and the Ladybird Johnson Act passed by the Senate. Further, he spoke about two Supreme Court decisions with regard to clutter and that the Township has the right to regulate billboards.

Supervisor Fox referred to the J.B. Stevens Inc. case against Wilkens Township in Allegheny County, which gave the sign company the right to install billboards. Supervisor Fox noted Hilltown Township allows off-site signs in all Zoning Districts, but they must adhere to our Ordinances. Wilkens Township did not have an off-site sign regulation and the Zoning Hearing Board upheld their own Ordinance. They went to the Court of Common Pleas who directed them to amend the Ordinance so that some Zoning Districts would allow for off-site signs. The Township then revised the Ordinance by making on-site and off-site signs equal. When the matter went back to Common Pleas Court, the billboard company then appealed the judge's decision in the County Court to the Commonwealth Court. The Commonwealth Court upheld the County Court that upheld the Township that upheld the Zoning Hearing Board. Supervisor Fox felt their decisions were quite clear and that the Township has a right to decide on sign sizes in various Zoning Districts. Therefore, the Court upheld against J.B. Stevens Inc. billboard company. Supervisor Fox does not see how the Solicitor used this to prevent an appeal of the Township's Zoning Hearing Board that allows billboards to come into Hilltown Township. Supervisor Fox is upset that the Township Solicitor did not read and interpret an Ordinance properly which was designed to protect the Township. Solicitor Grabowski commented the case Supervisor Fox is speaking of is self-explanatory. It was a Curative Amendment and was not before any Zoning Hearing Board. Solicitor Grabowski noted he was not the only one who interpreted the case as such, the Zoning Hearing Board and their Solicitor did as well.

2. On Thursday evening when Supervisor Bennington came home from work, there was emergency personnel from Silverdale Fire Company at Tice Lane because a passing motorist once again smelled gas from the UGI line in the area. Supervisor Bennington has been complaining about this same situation for approximately a year. It took UGI four hours to respond to the complaint because they did feel it was a "critical situation." Supervisor Bennington and many of his neighbors have complained to UGI on numerous occasions. UGI responded by saying it is a low pressure line that will never explode. Supervisor Bennington noted that a supposedly low pressure line exploded in Souderton several years ago and he is very concerned. Supervisor Bennington does not have gas heat, but many of his neighbors do, and all of the Country Roads development does. It seems to Supervisor Bennington that as UGI patches one portion of the gas line, the strong gas smell continues to move down the road. Last year, UGI advised that the strongest smell will occur during the most humid time of the year, in the spring or summer months, however it appears the gas smell is stronger now in the winter months. Supervisor Bennington is very, very concerned that residents who have gas heat are getting closer to where the line is going to break or rupture. In fact, Supervisor Bennington is not convinced that this very old gas line, as it takes more gas down to the Country Roads Development, won't erupt into a very serious situation.

Supervisor Bennington suggested that a very firm letter be sent putting UGI on notice that Hilltown Township is aware of this dangerous situation, and that letters also be sent to the PUC, Tom Druce, David Heckler, and Jim Greenwood, explaining what is happening. Further, Supervisor Bennington feels reports should be obtained from the Silverdale Fire Company as to how many times they have responded to this obvious gas leak. Supervisor Bennington wants to prevent a potentially dangerous situation. Chairman Bennett and Supervisor Fox were in agreement with Supervisor Bennington's suggestion.

Solicitor Grabowski believes that when the Authority constructed its waterline at Rt. 152 approximately 8 years ago, the contractor involved was very concerned about the age of the existing gas line and refused to do any blasting in the area. The Authority then had to pay for hand excavation. Supervisor Bennington commented there are twelve bore holes in the street near Tice Lane in order to allow the gas to escape and to take the pressure off the line.

Mr. Horrocks will contact the chief of Silverdale Fire Company to obtain information about how many calls they have responded to at that site and will forward letters of concern to those officials as suggested by Supervisor Bennington.

3. At the last meeting, Supervisor Bennington mentioned that he would be making a motion this evening to place a referendum question on the April election ballot to allow the Board of Supervisors to borrow money for the purchase of open space land. Supervisor Bennington has learned that Hilltown Township can borrow up to six million dollars. Since the Township previously borrowed \$2.2 million dollars for Debt Service, it can still borrow \$3.8 million dollars without a non-binding referendum. Solicitor Grabowski noted those figures are based on 1994 information which he does not believe has changed drastically. On an issue as important as this, Supervisor Bennington feels it is important to bring the question to the voters.

Supervisor Bennington read the following statement:

"At the Hilltown Township Board of Supervisors meeting on January 22, 1996, I made a motion to place the following referendum question on the April, 1996 ballot - "Should Hilltown Township borrow \$3.8 million dollars to purchase land or development rights to preserve open undeveloped land in Hilltown Township?" If approved, the Township would use the money to do one or more of the following:

- Finance the acquisition of open space. The Township would purchase undeveloped land from landowners and would restrict the land from further development.
- Acquire agricultural conservation easements. The Township would purchase agricultural conservation easements or participate in the current Bucks County Land Preservation Programs. An agricultural conservation easement prevents a landowner from developing their land, but allows the landowner to retain his or her land and continue to farm it.
- Acquire land for passive recreation.

Over the past several years, it has become obvious to me that the overriding concern of the residents of Hilltown Township is the diminishing open space. Through discussions at Deep Run, the supermarket, and other public places, the most asked question is always "How can we keep Hilltown from being developed?" The answer is always "You can't stop development, you can try to control it."

This referendum is the only way I feel to truly gauge public support for the Township to proceed to borrow money to continue to cheaper than supporting future development and will keep Hilltown green. Residents in Warrington and Buckingham have already seen fit to approve a similar referendum question that authorizes their boards to purchase open space.

We would ask the residents of Hilltown Township to seriously consider the pros and cons of this question. This Board will be bound by your vote. If the vote is negative, you can expect higher taxes in the very near future to support police services, fire protection, municipal services, and the granddaddy of them all, Pennridge School taxes. If the vote is positive, we will immediately form an advisory board to determine the best way to proceed.

We must act now. The longer that we wait means that additional prime real estate will be purchased by the developers, land that will be lost forever. Please consider this referendum question carefully. If you have any questions concerning this proposal, please give me a call."

Supervisor Bennington feels this is a paramount question that will haunt this Township for the next 20 years if the Board does not act now. If the Township continues to allow land to be developed, there will be many new homes funneling into this municipality. If the Township can purchase property with the \$3.8 million dollars that Supervisor Bennington proposes to borrow, it will keep land free from development and free from funneling a great deal more children into the Pennridge School District.

At today's prevailing rates, Supervisor Bennington noted the \$3.8 million dollars would be at approximately 6% over a 25 year period, which would be approximately \$218,000.00 - \$220,000.00. This would equate to 6 mills or \$50.00 per household in taxes.

After Supervisor Bennington's original proposal, Solicitor Grabowski checked rates with various underwriters and found that municipal interest rates are down dramatically at this time. Using a three million dollar figure, Solicitor Grabowski calculated figures for 15 years, 20 years, and 25 years. The going rate for 15 years would be 4.9%, 20 years would be 5.11%, and 25 years would be 5.222%. If the Township were to borrow three million dollars today, the underwriters would go from 3.85% the first year, up to 5.35% in the 25th year. This averages out to 5.222%. Solicitor Grabowski noted the Board is looking at a fixed figure of approximately \$216,000.00 per year, with both interest as well as principle payback.

If the Board is agreeable to this suggestion, Supervisor Bennington advised that no further action would proceed until Township residents were polled. Even after the vote was taken, Supervisor Bennington does not feel the Board should unilaterally make decisions as to which parcels to purchase. Supervisor Bennington feels an advisory board should be appointed to recommend which properties to purchase and when to purchase them. It is important that this motion be made tonight so that the referendum question

can be placed on the ballot for the April election. This question must be received at the Courthouse tomorrow, which is the final day to place it on the ballot.

Chairman Bennett believes the idea itself is a good one, however he is reluctant to rush it through without a concrete plan. Supervisor Fox felt the proposal was an excellent idea and believes it will save the taxpayers money in the long run. Chairman Bennett feels there would be a better chance of passing this referendum if it was placed on the general election ballot because there are three times as many voters, on average, than there are at a primary election. Chairman Bennett is very concerned about raising taxes, which he believes are too high now.

Chairman Bennett noted there are 17,000 acres in Hilltown Township, and asked how many acres would be purchased with three million dollars. By today's standards, Chairman Bennett believes it may cost \$8,000.00 per acre for farmland. Supervisor Fox reminded the Board that the Township would be purchasing the development rights, which is what they could get for development as opposed to farming. Supervisor Bennington commented this program would be done in conjunction with Bucks County, and therefore the Township would not be putting all the money out for the easement rights. This is why Supervisor Bennington feels the advisory board is important to determine which land to buy and what development easement rights to purchase. Chairman Bennett is not questioning the idea, he is questioning the timing of placing the referendum on the ballot.

If this referendum was passed and money was borrowed, Mrs. Jean Bolger asked who will determine what the Township will do with the land they purchase. Supervisor Bennington replied the advisory board, in conjunction with the Park and Recreation Board, the Planning Commission and the Board of Supervisors, would make that determination. Supervisor Fox believes that Mrs. Bolger is misunderstanding, and stated the question is development rights, the Township would not actually be purchasing the land. Supervisor Bennington stated the Township could purchase the land outright as well. Supervisor Fox commented the purchased land would have to be used for Township purposes. Mrs. Bolger is concerned that any land purchased might be used for something the residents do not necessarily approve of, such as a golf course. Supervisor Fox stated the Board of Supervisors, on advice, would determine the land use.

Mr. Bob Wendig feels this proposal is an excellent idea and asked if the Supervisors believe the voters will pass it. Supervisors Bennington and Fox feel that it will pass, if the idea is "sold" properly. Chairman Bennett is concerned because the Board does not have specific information to speak about, and feels that 13 weeks is not enough time to "sell" the idea to the residents. Further,

there will be a much smaller voter turnout at the primary election as opposed to the general election.

Mr. Woody Rush of Blooming Glen feels the proposal is a good one, to a point. Mr. Rush is all in favor of lowering school taxes, however he asked what will happen if Hilltown Township approves this proposal, yet East and West Rockhill continue to develop every available acre. This will shift a majority of the school tax burden onto Hilltown residents. Supervisor Fox agreed that was true, however he noted there will be that many less new homes in Hilltown Township. Supervisor Bennington can not dispute Mr. Rush's comments. For the record, Chairman Bennett stated the school taxes are 76.5% of our total real estate taxes in this Township.

If Chairman Bennett is willing to begin appointing an advisory committee now, Supervisor Bennington and Supervisor Fox were agreeable to deferring the referendum until the November election. Chairman Bennett agreed.

Solicitor Grabowski explained that Warrington and Buckingham Townships recently did a voter referendum issue, not so much from the standpoint of getting feedback from the community, but to see if they would legally surpass the limits of the Unit Debt Act because municipalities can only borrow so much money. If a voter referendum is approved, a municipality can then go beyond the limits of debt. Solicitor Grabowski reviewed documentation from the 1994 Bond Issue to determine how much debt Hilltown Township could legally amass before it requires voter approval.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to form an advisory committee to finalize plans in order to place the question of borrowing money to purchase open space on the November, 1996 ballot. The advisory committee would be formed with individuals who represent the real estate industry, a Planning Commission member, a Park and Recreation Board member, and other interested parties, including the Civic Association, the Taxpayer's Association, etc..

The Board directed Mr. Horrocks to place an advertisement be placed in the newspaper advising that the Township is seeking individuals to serve on the advisory committee.

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 January 22, 1996 Board of Supervisors Meeting was adjourned at 9:30PM.

Respectfully submitted,



Lynda Seimes
Township Secretary