

HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED PUBLIC MEETING
Tuesday, December 26, 1995
7:30PM

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr. at 7:35PM and opened with the Pledge of Allegiance.

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

Chairman Bennett announced the Board met in Executive Session on December 21, 1995 for one hour to discuss personnel budgets for the 1996 Budget, and on December 26, 1995 with the Township Manager and Township Solicitor for approximately 2 hours in order to discuss legal matters.

Chairman Bennett introduced Mr. Charles Barclay who has been a Planning Commission member for over 20 years and who has done a splendid job as the most recent chairman of that board. Mr. Barclay recently resigned his position on the Planning Commission due to business demands. The Board of Supervisors presented Mr. Barclay with a proclamation recognizing his many years of public service and thanking him for his leadership skills on the Hilltown Township Planning Commission. Mr. Barclay thanked the present and past Boards for the opportunity to serve on the Hilltown Township Planning Commission. Mr. Barclay regrets resigning from his seat and believes the new chairman, Mr. Joe Phillips, will do a fine job with the current Planning Commission members, who are all very qualified.

A. APPROVAL OF MINUTES:

Action on the minutes of the November 27, 1995 Board of Supervisors Meeting: Supervisor Bennington noted the following correction:

- page 3, second paragraph, first sentence should read:
"Mr. Collie noted the Planning Commission questioned the **exit** onto Orchard Road and how the new proposal related to the former Elysian Fields plan."

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the November 27, 1995 Board of Supervisor's Meeting, as corrected.

Action on the minutes of the December 11, 1995 Worksession Meeting: Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the December 11, 1995 Board of Supervisor's Worksession meeting, as written.

B. APPROVAL OF CURRENT BILLING: Chairman Bennett presented the Bills List, dated December 27, 1995, with General Fund payments in the amount of \$42,366.63; State Highway Aid payments in the amount of \$4,827.29; and Escrow Fund payments in the amount of \$6,500.00; for a grand total of all funds in the amount of \$53,805.12.

Supervisor Bennington questioned the bill in the amount of \$6,500.00 for the traffic signal at the intersection of Rt. 113 and Diamond Street. Mr. Horrocks explained a portion of the work at that intersection has been completed.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List dated December 27, 1995, subject to audit.

C. TREASURER'S REPORT - Mr. Bruce G. Horrocks, Township Manager -
Mr. Horrocks presented the Treasurer's Report with the following balances as of December 21, 1995:

General Fund Checking Account	\$	158,487.60
Payroll Checking Account	\$	330.15
Fire Fund Checking Account	\$	14,782.85
Debt Service Investment Checking Account	\$	43,856.51
State Highway Aid Checking Account	\$	45,219.30
Escrow Fund Checking Account	\$	110,569.98

Mr. Horrocks noted the 1995 General Fund appears to be in a positive balance of \$127,000.00.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Treasurer's Report, dated December 21, 1995, subject to audit.

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

E. CONFIRMED APPOINTMENTS:

1. Mr. Greg Lippincott - Mr. Lippincott thanked the Board for giving him the opportunity to work for the Township during the summer and fall of this year. Mr. Lippincott informed the Supervisors of how helpful Mr. Horrocks, Mrs. Leslie, Mrs. Seimes, Chief Egly, and Mr. Groff have been to him. Mr. Lippincott thanked the Board for allowing him the opportunity to continue work experience in his chosen field. He will be employed at West Rock-

hill Township as of January 2, 1996. Chairman Bennett commented Mr. Lippincott has been an asset to the Administrative Department this past year, and thanked him for his services.

2. Mr. Steve McKenna - Mignatti Ventures - Country Roads - Mr. McKenna presented photographs of the rear of some of the Country Roads development lots, showing trees behind homes for the buffer areas in question. Mr. McKenna is seeking the Board's opinion for the need for buffer trees at the rear of Section 1 lots, as well as those for Sections 3 and 4 of Country Roads. The photographs depict Lots #1 through #18 of Phase I, and Lots #19 through #28 of Phase III, and Lots #44 through #111, and Lots #93 through #110. Mr. McKenna advised he is working on dedication of Phase I improvements, of which a considerable amount have been completed. Mr. McKenna hopes to have all the infrastructures completed for dedication possibly in January of 1996.

Mr. McKenna noted he had appeared before the Board of Supervisors in September of 1993 specifically regarding the buffer trees. At that time, the Board made a decision to table the issue until after final grading once the dwellings were in place. All the homes have been constructed and final grading is complete at present.

For background purposes, Mr. McKenna explained the closest structure in the Country Roads development is approximately 350 ft. from any of the existing homes located along Rt. 152. Lot sizes are generally 4,500 sq. ft. for the twin homes and approximately 2,500 to 3,500 sq. ft. for the townhouses. Since the size of the lots are so small, Mr. McKenna is concerned about planting trees in the buffer area which would decrease the homeowner's usable lawn. The Zoning Ordinance allows for the Supervisors to make a decision as to the requirements for buffer plantings. Mr. McKenna explained the requirement is for a buffer between different land uses or between subdivisions. There is residential zoning surrounding the Country Roads Development, however since this is another subdivision, there is a Class B Buffer requirement. The Zoning Ordinance does allow for existing vegetation to take the place of installation of additional buffering. Mr. McKenna read the following excerpt from the Zoning Ordinance: "All existing deciduous and coniferous trees larger than two inches in caliper and/or six feet in height may be considered to contribute to the definition of existing buffer. If the amount of existing plant material of that size or greater equals any of the above planting requirements for reducing buffer yard sizes, the equivalent reduction may be taken without additional plant material being required."

Additionally, when Mignatti Ventures received approval of the preliminary plans of the site as a whole, and the final plan for Phase I, there was a note on the plan stating that actual planting

requirements for buffer yards shall be determined at time of final grading. At such time, the quantity of plants may be reduced due to the presence of existing vegetation with the approval of Hilltown Township. Mr. McKenna is requesting that he not be required to install the buffer trees at the rear of Section 1. Ultimately, Mr. McKenna will also be requesting the same waiver for Sections 3 and 4 in February.

Supervisor Bennington commented Mr. McKenna's letter to the Board states that none of the homeowners are expecting installation of any trees, and therefore the trees do not appear to be an issue. Supervisor Bennington advised that when the plan was finally approved, those trees were shown on the plan and he feels those trees should have been installed before the homeowners moved in. Supervisor Bennington does not believe the homeowners should have had a say in the decision. When Mr. McKenna appeared before the Board in September of 1993, none of those homes had been sold yet and the matter of the buffer was left to be a field decision at a later date. Supervisor Fox confirmed that the Board of Supervisors never waived the requirement of planting those buffer trees. Supervisor Bennington is willing to waive the buffer requirement for Section 1, if the applicant is willing to plant those required trees somewhere else in the Township or is willing to provide funds to the Township in lieu of those required trees. Supervisor Bennington is not trying to be argumentative, however the Planning Commission and the Board of Supervisors did approve a plan requiring these specific trees for Section 1, and that requirement has not been waived. Mr. McKenna disagreed, stating they were a requirement of the Township subject to Note #25 on the plan, which specifically allows for existing vegetation to take the place of buffers. Mr. McKenna does not feel he is being unreasonable in asking for this waiver. To make a point, within Phase I alone, Mr. McKenna noted \$30,000.00 worth of trees have been installed, including a total of 78 street trees, 34 flowering trees, 45 evergreens, and 45 shrubs.

Mr. Wynn explained that after Mr. McKenna was before the Board in 1993, the Township began issuing occupancy permits for these homes in 1994. The Occupancy Permits that were issued indicated that the buffer trees would be installed, which means there are homeowners presently living in Country Roads who expect anywhere from 2 to 6 trees to be planted in their back yard. Before the Township should even consider waiving the tree requirement, Mr. Wynn feels there is responsibility to determine whether or not these homeowners do want the trees, since they were shown on the approved plans. Supervisor Bennington asked how many homes are involved in Phase I of the project. Mr. Wynn replied there are 18 affected homes or nine twin structures. Mr. McKenna was agreeable to polling those homeowners to determine if they want the trees planted. Mr. Wynn suggested that the Township contact those homeowners, advising

them of the approved plan and the issue involved.

Solicitor Grabowski noted when plans are recorded, the landscaping plan is part of that recorded plan. In this instance, the recorded plan shows those buffer trees. This may create a problem with future homeowners who may view the recorded plan and not know that the 18 homeowners waived the rights to those trees. If there is a waiver of some sort, Solicitor Grabowski feels a document should be recorded at the courthouse to put closure to the entire matter. Further, if a letter is to be sent to these property owners, what options will be made available to them. Chairman Bennett feels that the homeowners should be polled in person, not via letter.

At present, Mr. McKenna advised Phase II of the project is being constructed and Phase I is being finalized for dedication. Mr. McKenna received a punchlist from Mr. Wynn's office for Phase I dedication. With regard to infrastructure items, there are some grates that are bent and curb patching required which will be completed by January, 1996, at which time, Mr. McKenna is prepared to dedicate the infrastructure of Country Roads Phase I. There are a number of other points on the punchlist such as landscaping which are not part of the Township's acceptance. These items would include aerating and grading, which can not be completed until spring. Mr. McKenna would like to enter into the maintenance period with the infrastructure and have that dedicated. Further, Mr. McKenna would like to essentially make landscape items a function of the maintenance bond release. Mr. Wynn commented the Development Agreement provides for the completion of public improvements as a total package, yet those are not complete. Since they are not, Mr. Wynn recommended that the Board of Supervisors do not accept completion until they are complete. There is no advantage to the Township by accepting partial completion of public improvements. The Board agreed with Mr. Wynn.

Mr. McKenna advised Phase I has sold out, and in Phase II, 17 of the 26 homes are sold. Roadways and sidewalks have been installed as part of Phase II improvements. The only remaining roadways to be completed are the cul-de-sac areas. Mr. McKenna noted the bridge has been designed and has been submitted to Mr. Wynn's office for review. According to plan approval, Mr. McKenna advised the bridge must be designed by the completion of this section, and the bridge must be completed mid-way through Phase III of the project. Mr. McKenna asked the Board to consider taking a cash figure in lieu of replacing the bridge. It is Mr. McKenna's understanding that this bridge is not currently within PennDot's projected plans. Mr. Wynn noted PennDot does have a bridge program, however he believes the opportunity for funding for a bridge such as this is very minimal. In speaking with the design architect on this project, it is Mr. McKenna's understanding that this is something PennDot would seriously consider. Mr. Wynn

believes this bridge would be an extremely low priority for PennDot.

***8:00PM - PUBLIC HEARING TO CONSIDER THE ADOPTION OF A REVISED SUBDIVISION/LAND DEVELOPMENT ORDINANCE AND TO CONSIDER THE ADOPTION OF AN ORDINANCE RAISING THE COMPENSATION FOR SUPERVISORS ELECTED OR APPOINTED TO OFFICE ON OR AFTER THE EFFECTIVE DATE OF THIS ORDINANCE, AND TO CONSIDER THE ADOPTION OF AN ORDINANCE ESTABLISHING A FOUR-WAY STOP SIGN AT THE INTERSECTION OF UPPER CHURCH ROAD AND UPPER STUMP ROAD.**

Chairman Bennett adjourned the regularly scheduled meeting at 8:20PM in order to consider the three advertised Ordinances as noted above.

The first Ordinance for consideration is for the adoption of a revised Subdivision/Land Development Ordinance. Solicitor Grabowski advised this Ordinance was prepared by the Township Planning Commission and the Township Engineer's office, and was reviewed by the Bucks County Planning Commission. Solicitor Grabowski met with the Hilltown Planning Commission approximately one month ago. This Ordinance was appropriately advertised in the News Herald and a copy has been on file with the Bucks County Law Library. This proposal is a total revision of the previous Subdivision/Land Development Ordinance containing many miscellaneous changes. There was no public comment.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **adopt Ordinance #95-9, the Subdivision/Land Development Ordinance for Hilltown Township.**

The second Ordinance for Board's consideration deals with raising the compensation for Supervisors elected or appointed to office on or after the effective date of this Ordinance. Chairman Bennett advised Supervisor Bennington was just re-elected and he is the only member of this Board who will be affected by the change. This Ordinance proposes to raise the annual compensation for Supervisors from \$2,600.00 per year to \$3,250.00 per year. There was no public comment.

Motion was made by Supervisor Fox, and seconded by Chairman Bennett to **adopt Ordinance #95-10 raising the compensation for Supervisors elected or appointed to office on or after the effective date of this Ordinance.** Supervisor Bennington abstained from the vote.

The third proposed Ordinance for Board's consideration deals with the establishment of a four-way stop sign at the intersection of Upper Church Road and Upper Stump Road. There was no public comment.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **adopt Ordinance #95-11 to establish a four-way stop sign at the intersection of Upper Church Road and Upper Stump Road in Hilltown Township.**

8:37PM - Chairman Bennett adjourned the advertised Public Hearing and reconvened the regularly scheduled Board of Supervisors meeting of December 26, 1995 at 8:37PM.

E. CONFIRMED APPOINTMENTS (Continued)

2. Mr. Steve Miller - Sam Miller Tires/Tree Waiver Request -
Mr. Miller presented a copy of the plan approved by the Township approximately one year ago, with the colored section representing tree plantings which were specified for the frontage of the site. Mr. Miller chose to plant trees down the sides and around the house in a random manner. There is a total of 30 trees planted, instead of the 9 trees which were required. Mr. Miller is requesting the Board's consideration of a waiver of the requirement to plant the 9 trees along the frontage of the site.

Mr. Wynn noted the Township is holding cash escrow funds to guarantee the tree installation. Rather than planting those trees in the stiff format as shown on the approved plan, Mr. Miller chose to arrange the trees differently on the property. However, by doing that, Mr. Wynn advised the applicant moved the trees further back than the 50 ft. strip. Therefore, instead of 9 trees shown in that 50 ft. strip, there are only 5 trees in that area. Overall, there are a great deal more trees planted on the site, including evergreens along the property boundary, and the grouping on the left side of the house facing the street. Mr. Wynn feels Mr. Miller has done an excellent job landscaping.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the change in the tree configuration on Mr. Miller's property, as specified above.

Mr. Wynn requested the Board release Mr. Miller's escrow funds, less any administrative costs.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to release Mr. Miller's escrow funds, less any administrative costs.

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

1. Mr. Horrocks presented the following lines for signature after this meeting - Myers Lot Line Adjustment, Swope/Barnes Lot Line Change, and Edmonds Subdivision.

2. Mr. Horrocks presented the following 16 escrow releases for the Board's approval, three of which are cash held by the Township:

Bricks Villa	Voucher #10	\$	2,064.50
Bricks Villa	Voucher #11	\$	30,382.43
County Line Shopping Center	Voucher #07	\$	210.25
Country Roads Phase I	Voucher #45	\$	288.65
Country Roads Phase I	Voucher #46	\$	4,909.50
Country Roads Phase II	Voucher #17	\$	872.90
Country Roads Phase II	Voucher #18	\$	11,250.00
Derstine Land Development	Voucher #06	\$	205.05
Fretz Land Development	Voucher #07	\$	93.80
Fretz Land Development	Voucher #08	\$	2,017.95
Hilltown Crossings	Voucher #05	\$	31,459.75
Hilltown Hunt	Voucher #08	\$	1,290.40
Pleasant Meadows Phase III	Voucher #2A	\$	101.70
Quiet Acres Mobile Home Park	Voucher #16	\$	7,830.00
Ralph G. Moyer Subdivision	Voucher #03	\$	2,592.00
Telvil Corporation	Voucher #1A	\$	87.25

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

3. Mr. Horrocks presented a new building inspection services agreement with East Rockhill Township for code enforcement services. The new agreement specifically lists eight different building permits that will be involved at a 40% collection fee.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt the building inspection services agreement with East Rockhill Township for code enforcement services for 1996.

4. At the Board's reorganization meeting of January 2, 1996, Mr. Horrocks is seeking Board's adoption of a Resolution dealing with the Agricultural Security District. Mr. Horrocks is currently waiting for a response from the Advisory Committee with regards to the interpretation of what minimum acreage should be. Written interpretation has been received from the State concerning Act 43.

5. The Township is in receipt of a second payment from Telford Borough Authority regarding the Hickory/Oak/Central Ave. sewer system which was installed. The approximate return at this time is \$150,000.00.

6. Notification was received regarding a seminar to be held at Nemocolin, which Mr. Horrocks attended last year and very much enjoyed. Mr. Horrocks is seeking Board authorization to attend

this seminar in 1996.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to allow Mr. Horrocks to attend the seminar as noted above.

7. Mr. Horrocks presented the 1996 Proposed Budget for the Board's authorization.

The General Fund Budget, dated December 26, 1995, is balanced at a total dollar amount of \$2,761,394.00 with no tax increase required. One significant surprise which happened this last week deals with a grant that the Police Department has been successful in acquiring. Chief Egly received a phone call from the Cops Grant Program last Monday morning, advising that Hilltown Township was approved to receive a grant providing for two police officers for a three year period in the amount of \$150,000.00.

Mr. Horrocks noted the General Fund Budget includes those two officers, and also includes a beginning fund balance of \$127,000.00, and a contingency fund in the amount of \$51,052.00. Mr. Horrocks emphasized that the \$110,000.00 earmarked for the salt storage building and seasonal storage building is coming from the Bond Fund. While those funds are passing through the General Fund, they are not a direct cost to the General Fund. That money will be received from the Capital Improvements Fund to pay for those buildings. Mr. Horrocks asked the Board to adopt the General Fund Budget for 1996 in the amount of \$2,761,394.00. There was no public comment.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt the 1996 General Fund Budget remaining at 9 mills.

8. The second Budget for the Board's consideration this evening is that of the Fire Fund. The Fire Fund is currently at 2 mills and has been at 2 mills for two years. Two years ago, the Board decided to reduce a \$65,000.00+ surplus of emergency funds to make disbursements to the fire companies. That has now been accomplished. To continue the same donation level to the seven fire companies as the Township has in the past, Mr. Horrocks recommended that the Board increase the millage of the Fire Fund back to 3 mills. There was no public comment.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to increase the Fire Fund Tax millage from 2 to 3 mills for 1996.

Mr. Horrocks noted the Fire Fund Budget is balanced at \$122,884.00.

9. The third Budget for Board consideration is Debt Service. Mr. Horrocks explained the Debt Service Fund pays for this building and the benefits of the Bond, including the Capital Improvement Fund of the Township. The Debt Service millage is set at 6 mills and there will be no millage change. The Debt Service Budget is balanced at \$224,292.00. There was no public comment.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt the Debt Service Budget at 6 mills for 1996.

10. The final Budget for the Board's consideration this evening is the State Highway Aid Budget, which comes from Liquid Fuels monies from the State. There is no millage for this Budget and it is entirely financed from the State. That Budget is balanced at \$244,096.00. There was no public comment.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt the State Highway Aid Budget for 1996, as presented above.

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

1. The Township received a copy of correspondence from Hatfield Township to Mr. Douglas May of PennDot, requesting that PennDot consider a reduced speed limit on the Rt. 309 corridor along the frontage of the Hilltown Crossings Shopping Center. Chief Egly would like to see a reduced speed limit in that area as well, and suggested that a letter be sent to Mr. May supporting Hatfield Township's request. The Board was in agreement.

2. Mr. Horrocks received draft specifications and a copy of the plan for the Dublin TCE Site, Phase II, Water Distribution System from the Department of Interior Bureau of Reclamation. The Board had previously authorized the Township Solicitor to prepare an agreement between Dublin Borough and Hilltown Township. At this time, Mr. Horrocks is requesting that the Board allow the Township Engineer to review the specification sheet as well. The Board was agreeable to this suggestion.

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

1. At their Reorganization Meeting, Solicitor Grabowski reminded the Board that there will be a proposed Resolution before the Supervisors to incur a Tax Anticipation Note liability for the calendar year 1996. As in past years, the Township often experiences a cash flow problem early in the year until the Real Estate and Earned Income taxes are received. Mr. Horrocks has solicited proposals for loans and has a commitment from Union

National Bank to lend \$300,000.00 to the Township at 5% interest for the calendar year of 1996. With Board's approval, Solicitor Grabowski will prepare the appropriate documents. Funds would be available as of January 3, 1996. The Board was agreeable.

2. With regard to the sewer construction project accomplished by Telford Borough Authority, Solicitor Grabowski explained there are approximately seven tax parcel owners who are unable to make the payment of the construction assessment at this time. In order to protect the Township's interest in this matter, Solicitor Grabowski recommended that the Board consider authorizing tax liens filed against the seven tax parcels who have not paid at present. A tax lien is simply a "mortgage" or judgement which is filed at the courthouse, giving the Township protection of knowing that the debt will not be forgotten in the future. In the event that there is a bankruptcy or a sale of property, the Township would have its judgement by way of a sewer lien filed with the courthouse. Solicitor Grabowski requested that the Board authorize the filing of tax liens for the tax parcels that have been identified.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize the filing of tax liens for the seven properties as stated for the Hickory/Oak/Central Ave. sewer project.

3. Solicitor Grabowski presented an application to the Bucks County Board of Assessment Appeals regarding the 30 acres of open space which has been turned over to Hilltown Township by the Hilltown Hunt Subdivision, located across the street from this building. Solicitor Grabowski would like to make application to insure that the property is tax exempt since it is being used as open space for recreation purposes.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize Chairman Bennett to file for the exemption from real estate taxation for the open space property as dedicated by the Hilltown Hunt Subdivision.

4. Last week, the Township received a copy of a decision by the Pennsylvania Department of Environmental Protection, in which D.E.P. has issued an order directing the Township to revise its Sewage Facilities Plan (Act 537) to provide for a method of serving sewer to the proposed Baker Subdivision, located on Rt. 113. Solicitor Grabowski explained the order is for the Township to consider the methods by which sewer service could be provided. The actual Order contains certain information that Solicitor Grabowski believes is inaccurate. For example, D.E.P. refers to the watershed of the parcel as being within the service area of the Hilltown Township Water and Sewer Authority, and also that existing

sewers do extend to the boundaries of the vacant parcel, both of which are incorrect in Solicitor Grabowski's opinion. Solicitor Grabowski believes that he should review the Order of D.E.P. thoroughly, along with the Township Manager and the Township Engineer in order to determine if there are any other factual inaccuracies. Solicitor Grabowski is also seeking authorization to file an appeal of the decision to the Pennsylvania Environmental Hearing Board. The Environmental Hearing Board is an administrative agency which hears appeals from decisions of the Pennsylvania Department of Environmental Protection. The time period for filing the appeal is 30 days from the date which means it should be filed by January 19, 1996.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize the Township Solicitor, Township Engineer, and Township Manager to review the Order of the D.E.P. for inconsistencies, and to file an appeal to the Environmental Hearing Board, with regard to the Baker Subdivision.

5. At the Executive Session held this afternoon, Solicitor Grabowski mentioned the zoning matter of Bernie Enterprises, which has now reached a point where there is no opportunity for any further appeals by the applicant. The applicant has exhausted all rights of appeal to the Commonwealth Court and to the Pennsylvania Supreme Court. Solicitor Grabowski believes that as of today, there has been no action by the applicant to come into compliance with the requirements of the Zoning Hearing Board decision of many, many months ago. Solicitor Grabowski is seeking direction from the Board to proceed with one of the following: filing a complaint with the appropriate District Justice Office to impose fines and penalties for non-compliance with the Hilltown Township Zoning Ordinance; to file a petition with the Bucks County Court of Common Pleas for possible contempt determination; or to contact the applicant through his attorney in order to discuss a possible compliance schedule.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize the Township Solicitor to file a complaint with District Justice Gaffney for non-compliance against Bernie Enterprises, and to file a contempt citation with Bucks County Court, and also to contact Bernie Enterprises for deliverance of a compliance schedule.

I. PLANNING - Mr. C. Robert Wynn, Township Engineer:

1. Swope and Barnes Subdivision - This minor subdivision is a lot line adjustment with no new building lots proposed. The site is located on the corner of Hamilton Street/Rt. 113 in the village of Blooming Glen. The Planning Commission recommended approval of waivers to improve Hamilton Street and the right-of-way dedication,

due to existing improvements. This plan was unanimously recommended for approval by the Planning Commission without conditions.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant final approval to the Swope and Barnes Subdivision, with no conditions.

2. Waste Management of Indian Valley - This final plan for development on Progress Drive was unanimously recommended for approval by the Planning Commission subject to the following conditions:

- Bucks County Conservation District has approved the erosion and sedimentation control measures to be implemented at the site via correspondence dated October 3, 1995. In accordance with Bucks County Conservation District requirements, the final plan revision must be submitted to their office for approval.
- Ultimate right-of-way area of Progress Drive must be dedicated to the Township as offered by Note #10 on the plan.
- Planning Module approval must be received from Penna. D.E.P. for the sanitary sewer extension to the site.
- Stormwater management easement must be granted to Hilltown Township as shown on the plan.
- Financial security/land development agreements must be executed between the applicant and the Township to guarantee installation of all improvements.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant final approval to the Waste Management of Indian Valley plan, subject to completion of the conditions as noted above.

J. ENGINEERING - Mr. C. Robert Wynn, Township Engineer:

1. Spur Road Associates (Fretz) - The current letter of credit for this project expires on December 31, 1995. The project is nearing completion, although there are items remaining which will not be accomplished until weather permits. Mr. Fretz has extended the letter of credit until February 29, 1996.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the extension of the Spur Road Associates Letter of Credit until February 29, 1996.

2. Derstine Land Development - The letter of credit guaranteeing completion of this project expires on January 1, 1996. Some miscellaneous items have not been accomplished. Mr. Wynn's office has contacted Daryl Derstine on several occasions during the past six weeks, attempting to resolve incomplete issues. Mr. Wynn received a fax from Mr. Derstine last Friday, requesting an extension until June 30, 1996 in order to complete the outstanding items.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the extension for the Derstine Land Development until June 30, 1996, conditioned upon verification of an extended Letter of Credit or the applicant will be found in default if the Letter of Credit is not renewed.

3. Country Roads Phase I - The current letter of credit expires on December 31, 1995. There are several punchlist items which are not completed and cannot be accomplished until weather permits in the spring of 1996. An extension of the Letter of Credit has been received until June 30, 1996. Mr. Wynn recommended acceptance of the extension.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the extension for the Country Roads Phase I development until June 30, 1996.

K. RESIDENT'S COMMENTS:

1. Chief Egly thanked Mr. John Snyder for the 20 1/4 hours he has spent as "McGruff" throughout Bucks and Montgomery Counties in 1995.

2. Chief Egly feels that the issue of Move In/Move Out Permits must be addressed. After hearing Mr. McKenna state how many housing units have been sold in the Country Roads development, Chief Egly realized the he does not recall signing any permits for the Country Roads development. Unfortunately, the Ordinance establishing these requirements "has no teeth" and is very difficult to enforce. Chairman Bennett wondered whether other area municipalities have similar Ordinances. Chief Egly is not aware of any neighboring municipalities, however he does know that others in Bucks County do have a similar Ordinance with penalties and fines clearly defined. Mr. Horrocks intends do review the Move In/Move Out Ordinance early in 1996.

L. SUPERVISOR'S COMMENTS:

1. Supervisor Fox noticed that Hilltown Township is not plagued with any new billboards on State roads, not since 1959. A neighboring Township located on the Rt. 309 Bypass has had a

number of billboards erected during the last six to eight months. These billboards are fairly large, ranging in size from 12 ft. by 20 ft. to 12 ft. by 48 ft.. In the days of President Johnson, a Federal Highway Beautification Act (also known as the "Ladybird Johnson Act") was passed. Shortly after that, the state of Pennsylvania passed an Act containing a requirement that a sign must be 660 ft. from a state road. In the Federal Act, it was stated that in an urban area, signs must be 650 ft. off the road, and in a rural area, signs were not allowed at all. Further, any road maintained with federal funds would come under federal jurisdiction based on the Clutter Act, as being considered "blight." The State adopted this Act because practically all their roads are maintained through federal funds. There was a court ruling called the Metromedia Ruling in which they ruled on billboard signs, determining them to be "clutter." On June 13, 1994, there was a hearing before the United States Supreme Court where it was mentioned that people have a right to place political signs on their own property but not on other property; and that billboards could be placed on private property, as long as they adhere to the height, distance, lighting, size, and setback requirements of the local municipality. This law is given to the municipality by the Municipal Planning Code.

Supervisor Fox noted three large Adams Outdoor Advertising billboards have been approved in this Township on the Rt. 309 bypass, via a ruling by the Hilltown Township Zoning Hearing Board. There is a height from the ground specification required, and the Zoning Hearing Board also advised the applicant that the signs must adhere to federal and state laws.

Supervisor Fox made a motion to appeal the three Adams Outdoor Advertising Zoning Hearing Board decisions.

Supervisor Bennington advised he would not second that motion, and asked to have a few minutes to respond to Supervisor Fox's comments. 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.P. Stevens) that struck down the enforceability of the billboard portion of the Zoning Ordinance. Supervisor Bennington asked Solicitor Grabowski to recount the history of the Adams Outdoor Advertising Zoning Hearing case, the appeal to the Commonwealth Court, and where the matter stands at present.

Solicitor Grabowski explained that Adams Outdoor Advertising is a company who installs and maintains billboards in eastern Pennsylvania. There was an application to Hilltown Township to erect a large billboard in this Township. The Zoning Hearing Board held a hearing and issued a decision to deny the permit. This decision was appealed to the Bucks County Court of Common Pleas,

where Judge Garb issued a decision several months ago, which stated that it was his determination that the prior Hilltown Township Zoning Ordinance was unconstitutional in its preclusion of billboards as an off-site structure installation. Judge Garb then remanded the matter back to the Zoning Hearing Board. Adams Outdoor Advertising then submitted additional applications for two more sign installations. The Zoning Officer denied the zoning application and an appeal was filed with the Zoning Hearing Board. The Zoning Hearing Board held three separate hearings on these matters, and issued decisions granting approval to provide for the installation of billboards with what they considered reasonable conditions. When Solicitor Grabowski met with the Supervisors today, he reviewed the various acts and cases, including the J.P. Stevens case which is the most definitive decision in the state concerning billboards. This case confirmed the fact that the Township can not preclude billboards from the municipality, no matter how unpopular they might be. The J.P. Stevens case determined that 300 sq. ft. for the size of a sign was a reasonable restriction. The Hilltown Township Zoning Hearing Board reviewed the new Hilltown Township Ordinance which has a 100 sq. ft. restriction, finding it to be unreasonable, and therefore increased the size thereof. It is Solicitor Grabowski's understanding that the applicant will be filing appeals from the decisions of the Zoning Hearing Board, stating that the restrictions imposed are unreasonable.

Supervisor Fox is speaking about federal and state roads, and commented he has never heard of a state court overruling a federal court. Chairman Bennett refused to second Supervisor Fox's motion as well, despite the fact that he feels billboards are ugly.

Supervisor Bennington made a motion to authorize the Township Manager and the Township Engineer to approach the Bucks County Planning Commission for input as to how the Zoning Ordinance can be revised to come into compliance. Supervisor Fox seconded that motion, but stated that he does not feel the Zoning Hearing Board, whose members have no planning experience, should be making decisions on sign sizes. The motion passed unanimously.

2. Several meetings ago, Supervisor Bennington made the initial proposal for the formation of a Quarry Expansion Committee. Supervisor Bennington explained that the objective of this committee would be to diffuse the controversial proposed expansion of the quarry prior to public meetings. Supervisor Bennington is proposing that Mr. Horrocks be a non-participating moderator for the committee. There would be three parts to this committee, which would consist of nine residents, including Mrs. Shirley Gregory, Mr. Walter Helhowski, Mr. Nick Lupinacci, and Father McBride, who have all volunteered to serve. The Township would be represented by Mr. Horrocks as a non-participating moderator, as well as a

representative from the Township Planning Commission, a representative from the Water and Sewer Authority, and a representative from the Park and Recreation Board. Mr. Lupinacci would serve in a dual role - not only as a resident, but also as the representative of the Park and Recreation Board. The final members would be consultants who would be called as needed, including the Township Solicitor, Township Engineer, and a representative of H & K Quarry. Supervisor Bennington commented it would be the goal of the committee to make recommendations to the Hilltown Township Board of Supervisors. This will allow the Board of Supervisors to make an informed final decision based upon input from this committee, as well as the residents during public hearings, to determine a decision that is acceptable to everyone.

Motion was made by Supervisor Bennington to form the Quarry Expansion Committee, allowing Mr. Horrocks to appoint the remaining five residents, and to begin meetings of this committee early in January, 1996.

Supervisor Fox feels the Supervisors are moving in the right direction by the formation of this committee because quarry expansion has the potential to be a very explosive issue, with the main concern being lack of water. Supervisor Fox believes that allowing the residents to comment through this committee is a good start. Chairman Bennett asked if this group will be an adhoc committee formed to serve a particular purpose for a specific length of time. Supervisor Fox feels the committee should remain in tact until this issue is resolved. Supervisor Bennington agreed, stating the committee can make recommendations until the first Public Hearing on the issue. Supervisor Fox and Chairman Bennett concurred.

Motion was seconded by Supervisor Fox and carried unanimously.

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 December 26, 1995 meeting of the Hilltown Township Board of Supervisors was adjourned at 9:38PM.

Respectfully submitted,

Lynda Seimes

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Township Secretary

(*These minutes were transcribed from notes and tape recordings taken by Mrs. Lorraine Leslie, Bookkeeper).