

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED PUBLIC MEETING
Monday, May 22, 1995
7:30PM**

The regularly scheduled public 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
Lynda S. Seimes, Township Secretary

***7:37PM - PUBLIC HEARING - PROPOSED ZONING ORDINANCE:**

Chairman Bennett announced a Public Hearing has been advertised for 7:30PM for the possible adoption of the proposed Zoning Ordinance, which has been pending for a number of months.

There were three minor changes since the last Public Hearing. One revision concerned Village Centers which would force confirmation of new dwellings or business structures in the three Village Centers to conform with existing structures. There was no public comment on this issue.

The second revision was a change in the performance subdivision mix of dwelling units which eliminated the minimum and maximum between garden apartments and detached homes. There was no public comment on this issue.

The third revision involved including the Impact Statement, basically word for word, as it was originally found in the 1983 Zoning Ordinance which is in the private petition in order to change zoning. The Impact Statement covers the Comprehensive Plan, Environmental Impact, Transportation Impact, Services Impact, and Regional Impact; and defines implementation. There was no public comment on this issue.

Chairman Bennett explained there were two significant "standing room only" Public Hearings held in the fall of 1994, in which the Supervisors presented a draft of the proposed Zoning Ordinance. Chairman Bennett believes there were approximately 71 public comments heard at those meetings.

Supervisor Bennington wished to clear up a misconception that the Planning Commission has with regard to the Supervisors sending the Zoning Ordinance back to them for further review. Supervisor Bennington explained he has never wavered on his support for the three acre minimum requirement. The reason the Zoning Ordinance

was returned to the Planning Commission was to get their feedback on the nine issues noted by the Bucks County Planning Commission. Supervisor Bennington still firmly supports the three acre minimum with the conditions as specified in the joint meeting held between the Planning Commission and the Board of Supervisors.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **adopt Ordinance #95-2 - The Hilltown Township Zoning Ordinance of 1995, as specified.**

Chairman Bennett stated he has been against the three acre zoning requirement and a few other minor issues as proposed in this Zoning Ordinance. Chairman Bennett is concerned about changing minimum building lots in the Rural Residential Zoning District from 50,000 sq. ft. (which is 1.16 acres) to three acre zoning. Chairman Bennett's main reason is the legality of it. He has spoken to the Township Solicitor, the Township Engineer, a private attorney, and the Chairman of the Bucks County Planning Commission, all of whom feel it is a legal risk and mentioned that the Township could be sued by a developer for three acre zoning in 75% of this Township. If it was merely in a 20 acre area, Chairman Bennett would not be so set in his opinion. However, with a Township consisting of 27 square miles with 70% to 75% of it being zoned Rural Residential, Chairman Bennett feels it is a restriction that the courts will throw out if Hilltown is challenged. Two and a half acre zoning has already been thrown out in Tredyffrin Township, three acre zoning is in the courts at present in Warrington Township, and Nockamixon has recently reduced their zoning from five to two acres. To defend this type of a suit could easily cost the Township anywhere from \$50,000.00 to \$100,000.00 from what Chairman Bennett has been told by people in the legal profession. Secondly, in Chairman Bennett's opinion, the whole premises based on water shortage has not been substantiated. Chairman Bennett does not believe there is a water shortage in the Township as a whole. There have been no studies to apply this type of thinking to 20 square miles or 70% of the Township. Chairman Bennett complimented Supervisor Bennington on devising a compromise solution which is cluster zoning. This means that if there is a community well or public water in the Rural Residential area, you could build on as little as 30,000 sq. ft., instead of 50,000 sq. ft., with the proviso that you would have to provide 55% open space. Chairman Bennett is not a fan of open space which would require either a homeowner's association or the Township for maintenance. Chairman Bennett would like nothing better than to see a golf course constructed in this community, something that would take at least 150 acres of land, which would be one of the best things to be done with open space. Chairman Bennett feels open space behind a development is worthless, however he believes more open space is needed specifically for park and recreation. Chairman Bennett recognizes that a great deal of work has gone into revising the

Zoning Ordinance over the past several years and feels the plan presented this evening, for the most part, is a very good Ordinance.

The advertised Public Hearing for the proposed Zoning Ordinance was adjourned at 7:45PM. Chairman Bennett reconvened the regularly scheduled meeting of the Hilltown Township Board of Supervisors of May 22, 1995 at 7:45PM.

A. APPROVAL OF MINUTES:

Action on the minutes of the April 24, 1995 Board of Supervisors Meeting: Due to a copying error, these minutes were tabled for approval until the June 26, 1995 Board of Supervisors Meeting.

Supervisor Bennington stated there are some people in this Township who have been spreading a rumor that when he was telephoned during the April 24, 1995 meeting while on a business trip in Holland, the phone bill was over \$1,000.00. Supervisor Bennington presented a copy of the phone bill for that time period for the 24 minute phone call to Holland which totalled \$21.99.

Action on the minutes of the May 8, 1995 Board of Supervisors Worksession Meeting: Motion was made by Supervisor Fox, and seconded by Chairman Bennett to approve the minutes of the May 8, 1995 Board of Supervisors Worksession Meeting, as written. Supervisor Bennington abstained from the vote because he was not present at that meeting.

B. APPROVAL OF CURRENT BILLING: Chairman Bennett presented the Bills List, dated May 23, 1995, with General Fund payments in the amount of \$63,995.18, State Highway Aid payments in the amount of \$148.92, and Escrow Fund payments in the amount of \$1,866.52, for a grand total of all payments in the amount of \$66,010.62.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List dated May 23, 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 May 19, 1995:

General Fund Checking	\$ 187,943.52
Payroll Checking	\$ 201.52
Fire Fund Checking	\$ 85,852.74
Debt Service Checking	\$ 192,589.41
State Highway Aid Checking	\$ 220,777.23
Escrow Fund Checking	\$ 136,534.06

At the June meeting, Mr. Horrocks will present the Board with a six month review for comparison.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Treasurer's Report, dated May 19, 1995, subject to audit.

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

E. CONFIRMED APPOINTMENTS:

1. Mr. Mike Leibley - Brite Maintenance - Hartzel-Strassburger Home Repointing - Mr. Leibley is the general contractor of the brick repointing at the Hartzel-Strassburger Home. Mr. Leibley is in attendance this evening in the hopes to rectify a misunderstanding between himself and Supervisor Fox, and to request payment for the initial cutting of the mortar joints at the Hartzel-Strassburger Home. These cuts were verbally approved during work in progress. Mr. Leibley stated at no time was Supervisor Fox anything but a gentleman, which is why he is sure these two items will be rectified. Mr. Leibley explained his firm, Brite Maintenance, began cutting the mortar joints approximately one month ago, and then the brick pointers began work. Supervisor Fox met with Mr. Leibley, expressing some concern at the start of the project as to the look of the building, stating it did not have the historical look it had before Brite Maintenance began the restoration work. Mr. Leibley agreed with Supervisor Fox, advising the contract called for a recessed joint, however his workers began flat pointing it, which is a flat mortar joint. Mr. Leibley explained the reason for this is more mortar gets between the bricks, which provides for a better quality job. The original job specifications did call for a recessed joint, and Mr. Leibley agreed Supervisor Fox was correct in that. Brite Maintenance then attempted to recess the joints that had previously been flat pointed, and Mr. Leibley noted it certainly did not make for a clean job. Mr. Leibley advised Supervisor Fox that before his firm left that property, he would take care of the problem, whether it meant re-grinding the joints or using a rubbing block of some sort to correct the error. Brite Maintenance then continued with the job on the lower half of the first wall. Supervisor Fox and Mr. Leibley met again, and at that time, Supervisor Fox appeared to express a bit more approval with the joint. Mr. Leibley believes this is where the misunderstanding took place. Mr. Leibley was under the impression that was what Supervisor Fox was looking for, however Supervisor Fox was under the impression that before Mr. Leibley continued with the job, the problem would be corrected.

Mr. Leibley presented several photographs for the Board's review. The first set of photos show the original mortar joints on the building, which are certainly not recessed. Mr. Leibley suggested

that the color of the mortar was the problem. Instead of using white cement, Mr. Leibley suggested using gray cement which would provide an aged look. After speaking with Supervisor Fox again, Mr. Leibley returned to the site and tried some test patches using the gray mortar and also using yellow mortar. Mr. Leibley feels this may be what Supervisor Fox was looking for and if it was, he would be willing to correct the problem. Mr. Leibley feels this solution would give the mortar a more historic look and provides for a nice, clean appearance. Mr. Leibley stated this solution is contingent upon receiving payment for the original cutting of the mortar joints.

Supervisor Bennington commented he is not an expert in historical buildings or in masonry, so therefore he can not tell if the joints are correct or incorrect. Supervisor Bennington felt the funding for this entire project should have gone right from Bucks County to the Historical Society and that the Township should not have been involved in the project. However, since the Township is involved, Supervisor Bennington relies on Supervisor Fox's expertise concerning the job. Supervisor Fox stated the Township received a document from Mr. John E. Harry, an expert in restorations, just this afternoon that the Supervisors have not yet had the opportunity to review. Mr. Horrocks noted this document was also sent to Mr. Jeffrey Marshall, the Director of Historical Preservation, for his review. Upon reading the conclusion of the report alone, it would be Mr. Horrocks recommendation to allow the Supervisors to review the report and make a decision at a later meeting. This report addresses the fact that the initial restoration work was not done to specifications as provided in the original bid package and that the work, to date, may be substandard. Chairman Bennett visited the site this afternoon, but admits he is no expert in this type of work. In one respect, Chairman Bennett did not feel that the work looked bad, however it appeared the mortar joints were quite heavy on the side that had been completed. Chairman Bennett quoted one comment in the report which states "Before any further work or remedial actions are taken, I strongly recommend that careful planning and testing takes place." Therefore, Chairman Bennett recommended the Board not take action this evening, and suggested the Supervisors review the report thoroughly for a decision at the next meeting. The Board was in agreement.

Mr. Leibley did not feel that this decision should have any bearing on the work that had been previously approved. Mr. Leibley requested payment for the cutting of the mortar joints. Chairman Bennett advised the Board would consider Mr. Leibley's request.

Supervisor Fox suggested Mr. Horrocks contact Jerry Jamison at the County to meet with Mr. Leibley. Mr. Horrocks will make the report available to both Mr. Jamison and Mr. Leibley for review and then

meet with both parties for further discussion.

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

1. Following this meeting, Mr. Horrocks asked for the Supervisor's signatures on the Zoning Ordinance which was adopted earlier this evening.

2. Mr. Horrocks presented ten escrow releases, nine of which are bank held letters of credit, for the Board's consideration.

Country Roads I	Voucher #38	\$ 652.60
Country Roads I	Voucher #39	\$ 2,500.00
Country Roads II	Voucher #04	\$ 280.55
Derstine Land Development	Voucher #02	\$ 80.40
Quiet Acres	Voucher #04	\$48,582.00
Quiet Acres	Voucher #05	\$ 2,032.75
Sterling Knoll	Voucher #4A	\$ 552.95
Telvil Corporation	Voucher #20	\$ 7,500.00
Telvil Corporation	Voucher #21	\$ 655.20
Wietecha Subdivision	Voucher #01	\$ 59.00

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

3. Mr. Horrocks is seeking Board approval to hire a part-time temporary employee for twenty hours per week for ten weeks at \$8.00 per hour, for a total of \$1,600.00. The young man Mr. Horrocks would like to hire is presently attending Temple University, and has worked for the this Township, as well as East Rockhill Township and New Britain Township on an intern basis, this past spring. If approved, Greg Lippincott will be working with administration computers, developing data base programs which would eliminate work that is presently done manually.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to approve hiring temporary part-time services, as stated above.

4. Mr. Horrocks requested approval to close Fretz Road, between Broad Street and Middle Road, to local traffic only. Mr. Horrocks explained the detour of Rt. 313 has created a great deal of excess traffic on Fretz Road, which has caused the road to literally break up.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to close Fretz Road, except for local traffic, for an indefinite period of time.

5. The Supervisors received correspondence from Mr. Wynn concerning the Rumer Subdivision, recommending that consideration be given to two waivers, one from the Subdivision/Land Development Ordinance and one from the Neshaminy Creek Stormwater Management Ordinance. Mr. Wynn explained the waiver from the Neshaminy Creek Stormwater Management Ordinance is a "no-harm" option, which is not technically a waiver, but rather an option that can be exercised by the applicant with the Board's endorsement. The actual waiver from the Neshaminy Creek Stormwater Management Ordinance deals with water quality, which is the 24 hour one year storm retention that can not be met on such a small basin without greatly increasing the size of the basin.

Supervisor Fox stated several meetings ago, this Board made a motion that the Rumers could do three things which included having their engineer re-design the basin since it was the engineer who designed it incorrectly initially; that the applicant could limit the amount of building impervious surface on that property; and directed Mr. Wynn to meet with the applicant's surveyor to see if there is any other solution to this problem. Supervisor Fox does not feel it is proper for Mr. Wynn to attempt to circumvent the Ordinance requirements. Supervisor Fox doesn't recall another case of stormwater management where the Supervisors have changed the Ordinances due to a hardship caused by the individual. Supervisor Fox does not believe it is the Township's responsibility to design stormwater retention basins, nor is it the Township's right to grant waivers to the Neshaminy Creek Stormwater Management Ordinance, which is a State Ordinance. Supervisor Bennington believes the original direction by the Supervisors as part of their motion was to direct Mr. Wynn to meet with the applicant's surveyor in order to determine whether there was any possible solution to the problem. Supervisor Bennington has visited the site and feels the size of the retention pond is a disgrace. Supervisor Bennington asked if the Board would be violating any Ordinances by granting these waivers to the applicant. If these waivers are granted, Mr. Wynn replied the Township would not be in violation of any laws at all. Supervisor Fox disagreed, stating the problem was caused by the applicant's engineer, not by the Township.

Motion was made by Supervisor Bennington, and seconded by Chairman Bennett to accept Mr. Wynn's proposal to solve the problem at the Rumer Subdivision by waiving two requirements as specified, with respect to the 50 and 100 year storms, and providing for stormwater management for the smaller storms. Supervisor Fox was opposed. Motion passed: 2:1

6. Mr. Horrocks is seeking authorization to forward correspondence to the Hilltown Township Water and Sewer Authority approving discussions concerning technical aspects of water expansion between East Rockhill Township and the Hilltown Water and

Sewer Authority. Supervisor Bennington noted the Supervisors had previously given authority to Chairman Bennett to speak directly to East Rockhill Township concerning this matter. Mr. Horrocks explained that when East Rockhill appeared before the Authority, the Authority was not necessarily receptive to discussion prior to the Supervisors authorizing that discussion.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize sending correspondence to the Hilltown Township Water and Sewer Authority concerning future discussions between the Authority and East Rockhill Township, as specified above.

7. Mr. Horrocks presented a proposed resolution dealing with revisions to the Rules and Regulations Policy of the Hilltown Township Police Department. Due to recent court rulings and recommendations by insurance liability carriers, Chief Egly explained the Rules and Regulations Policy for the Hilltown Township Police Department had to be updated.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **adopt Resolution #95-23, the revisions to the Hilltown Township Police Department Rules and Regulations Policy.**

8. Mr. Horrocks asked the Board to consider approving the lease between Hilltown Township and A.W.A.C.S. Inc., doing business as Comcast Metrophone. The lease proposes a 129 ft. high tower with a light, placed on this property. The following specifications have been addressed in the lease:

- Construction of a 129 ft. high tower with a light.
- Comcast has agreed to remove and relocate the existing helipad which is presently located within the buffer yard area, at their cost (up to \$3,000.00).
- Comcast has agreed to supply the Township with 10% rental of any further sublets of cellular telephone users.
- Lease is for four five-year terms with the amounts per month being \$800.00; \$900.00; \$1,000.00; and \$1,100.00 for each of those terms.
- Comcast has agreed to return the site to its existing condition, prior to any construction.

Mr. Horrocks noted there are a number of items Comcast has modified or eliminated, with Solicitor Grabowski's assistance and negotiation. Supervisor Bennington asked if the stipulation that the tower will be removed, at the applicant's expense, if technology improves, thereby making the tower obsolete, was still a part of the lease. Mr. Horrocks replied the removal of the tower is addressed in the lease itself, and also gives the Township the

option to purchase that tower for \$1.00. Mr. Horrocks explained the current proposed location of the tower fully meets the requirements of the Zoning Ordinance.

Supervisor Fox believes the Township needs this tower and can certainly make use of it, however he had made a motion at a previous meeting which included several conditions, yet one of those conditions has not been met. Supervisor Fox does not feel the tower was lowered enough when it was lowered from 150 ft. as originally proposed for the Bolton Farm site, to 130 ft. for this site. Supervisor Fox's motion, several meetings ago, was that he would not approve this tower to be constructed here at the Township building until the height was significantly lowered.

Initially, when the applicant appeared before the Board, Supervisor Bennington was prepared to vote against conditional approval of the tower because he did not feel there was a need for a tower in this Township. When the Planning Commission suggested the tower be moved from the Bolton Farm to another specific spot in the area, and after listening to four days of testimony, Supervisor Bennington came to the realization that no matter what the Board did, the applicant would construct a tower somewhere in this Township.

Motion was made by Supervisor Bennington, and seconded by Chairman Bennett to approve the lease which was negotiated between Hilltown Township and Comcast Metrophone for construction of the tower on Township property. Supervisor Fox was opposed. Motion passed.

9. Mr. Horrocks noted comments concerning the Township's telephone system began prior to his employment in August of 1991. At that time, the elected Auditors had recommended a change in the telephone system. This matter has been reviewed and discussed a number of times, and an attempt was made to address the problem in 1991 by cutting back on lines. In 1994, public bids were advertised for a new phone system, and two bids were received however a bid was not awarded. Once again, several lines were eliminated and the system was reviewed with technicians from Bell Atlantic. Early this year, it came to the Township's attention that there was a company who had won the State bid for telephone systems. Mr. Horrocks would like the Board to consider the option of purchasing this telephone system, with no bidding process required since this firm has been awarded the State contract. Mr. Horrocks has conducted a survey and asked for recommendations from users of this proposed phone system, including Bucks County, which led to very favorable responses. It is Mr. Horrocks recommendation to purchase this telephone system, utilizing Bond funds. It is a capital expense, and traditionally, capital expenses have not been a budgeted item. In the past, the Township has purchased police cars, trucks and park equipment from the Bond. Chairman Bennett

asked if the price still remains at \$21,959.00, and Mr. Horrocks replied that it is.

From Chairman Bennett's point of view, the new phone system is definitely needed. Today, for example, the phone rang eleven times with no answer, and thirteen times before it was answered the second time. The switching process from the Administration Department to the Police Department is also very deficient. Chairman Bennett believes the phone system has been unsatisfactory since it was first installed in 1989.

Several months ago, Supervisor Bennington requested that this issue be tabled in order to obtain more information. Working so far away from the Township and relying heavily upon phone communication with the Township Manager on a daily basis, Supervisor Bennington feels the present phone system is very inadequate. Supervisor Bennington has reviewed the information provided by Mr. Horrocks thoroughly, and believes a new telephone system is definitely needed to improve the service for our customers, the residents.

Supervisor Fox asked how much interest would be paid for this type of a system over the five year period. Mr. Horrocks replied no interest would be paid because the money is currently in the bond. If the Board authorizes funds to come from the bond, the phone system would be purchased outright. Supervisor Fox has a concern about using bond money to pay for the new phone system, since those funds have been earmarked for park and recreation purchases. The trucks and police cars purchased in the past were part of the bond issue, however this phone system was not. Supervisor Fox wondered what the Township will do when there is no more bond money for the parks. Despite that, Supervisor Fox does agree that the new phone system is needed.

Chairman Bennett noted the bond debt is averaging approximately 6%. Mr. Horrocks explained if the Township purchases the phone system with bond funds, the difference in net savings is approximately \$12,000.00, and if the system is purchased with a lease, the difference is approximately \$5,000.00. The overall savings drop if the Township leases and pays interest. If the system is purchased outright, there is no interest. The Township currently pays \$602.16 per month. The new system would bring the total charges to \$286.95 per month. Chairman Bennett stated the Township started the year with a surplus of funds and suggested the new phone system be purchased outright from the General Fund. Supervisor Bennington and Supervisor Fox agreed, with the proviso that those funds be reimbursed from the bond at the end of the year, if the General Fund is in a negative position. The Supervisors were in agreement.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to purchase the new telephone system for \$22,000.00, with monies coming from the General Fund and with the proviso that at the end of the year, if the General Fund is in a negative position, those funds will be reimbursed from the bond.

10. Dedication of the new Hilltown Township Park will be held on Memorial Day, Monday, May 29, 1995, beginning at 11:00AM. Events have been scheduled for the entire day, including soccer and basketball contests, a baseball game, sand volleyball game, skydivers, fire engines, refreshments, and the Pennridge High School Band will perform. All Township residents are encouraged to attend.

11. Mr. Horrocks presented a lone bid on the Tandy 4000 computer system which was previously used in the Police Department. That bid was in the amount of \$500.00 from Mr. Rick Vallett.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to award the bid for the Tandy 4000 used computer system to Rick Vallet in the amount of \$500.00.

12. Supervisor Bennington questioned copies of two letters he received from the Hilltown Township Water and Sewer Authority concerning the water contamination problem in the Dublin Borough area. For the Board's information, Mr. Horrocks explained that E.P.A. was present at the Township building on May 11, 1995 from 2:00PM to 6:00PM to speak with those residents who are affected by contamination. One key issue was how many residents would be interested in connecting to public water if their wells showed TCE contamination. Dublin Borough has clearly indicated that they are only interested in selling Hilltown Township bulk water for those residents who are experiencing TCE problems. Discussion took place concerning the TCE contamination and meetings which have taken place between Hilltown Township, Dublin Borough, Hilltown Water and Sewer Authority, and the E.P.A.. To date, Mr. Horrocks noted, Dublin Borough has told Hilltown Township they will only supply bulk water for residents with TCE contaminated wells. This is an important issue because unless Dublin Borough is interested in selling more water, the size of the water line is irrelevant. The second issue which came up at the E.P.A. meeting with residents is that if a current well exists, E.P.A. will not object if the homeowners maintain it, however they must separate their residence water use from it. E.P.A. will then connect public water for that residence use. In other words, homeowners would be permitted to keep their well to water their lawn, wash their vehicles or for any use which is non-domestic. Therefore, E.P.A. has put the onus back on to Hilltown Township. Mr. Horrocks noted a great deal of this issue is strictly a Federal issue. These residents can connect for free if they choose to accept public water, however

they must pay for the water itself. Mr. Horrocks wished to point out that the timetable to correct this issue is at the jurisdiction of E.P.A.. A resident asked Mr. Beck, vice-chairman of the Hilltown Water and Sewer Authority, if the Authority will provide the residents with a document stating they will not be forced to cap their contaminated wells. Mr. Beck replied he does not have the authority to make that commitment, that would be a decision made by the Authority Board. Mr. Beck stated any resident who agrees to connect to the public water system and who caps their well, will receive a rebate. From what he understands, Solicitor Grabowski noted that agreement is only for residents in the Central District. Mr. Beck commented no one will force the residents to cap their wells.

Chairman Bennett suggested this matter be tabled for further discussion at an upcoming meeting, and the Board was in agreement.

G. CORRESPONDENCE: None.

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

1. At the last meeting, it was reported that a decision was rendered concerning Bernie Enterprises by the Pennsylvania Commonwealth Court, finding for the Township. At that time, it was possible that Bernie Enterprises could file an application for a re-argument with the Commonwealth Court or file a petition with the Pennsylvania Supreme Court, asking them to hear the case. Solicitor Grabowski advised Bernie Enterprises has filed an application for re-argument with the Commonwealth Court and has also filed a petition with the Pennsylvania Supreme Court. With the Board's permission, the Township Solicitor will aggressively oppose both the application and the petition.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to oppose both the application to the Commonwealth Court and the petition with the Pennsylvania Supreme Court concerning the Bernie Enterprises appeal, as specified above.

2. Chairman Bennett announced that the Board of Supervisors, the Township Solicitor, and the Township Manager met in Executive Session prior to this meeting to discuss legal matters.

**The meeting was recessed at 9:05PM for a five minute break.

**9:12PM - The regularly scheduled meeting of the Hilltown Township Board of Supervisors was reconvened at 9:12PM.

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

1. Olesky Land Development (Final) - The Planning Commission unanimously recommended final plan approval to the Olesky Land Development subject to the following conditions:

- Verification of approval of proposed on-lot sewage disposal received in writing from the Bucks County Health Department.

- Verification of approval of proposed erosion and sedimentation control measures received in writing from the Bucks County Conservation District.

- Property monumentation installed and certified prior to plan recordation.

- Dedication of Spur Road right-of-way via an easement to Hilltown Township, and granting of a utility easement along the frontage of Bethlehem Pike to Hilltown Township accomplished in a manner satisfactory to the Township. Plan must be revised to reflect the granting of the above referenced easements.

- A financial security/development agreement must be executed between the applicant and the Township to guarantee installation of public improvements.

- Miscellaneous drafting items as contained in the engineering review dated May 1, 1995.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant final plan approval to the Olesky Land Development, with the conditions as specified by the Planning Commission.

2. Loeffler Subdivision (Final) - This plan is a lot line adjustment affecting the property located at Telegraph Road and Rt. 113, which is the former Dembrosky's Restaurant. Mr. Wynn explained the tract located in the rear, containing a house and pond with quite a bit of frontage on Telegraph Road, also contains a 25 ft. wide strip through the parking area of Whitney's Grille. This is where the current access is located to the existing house. This plan takes the 25 ft. wide strip and adjoins it to lands owned by the restaurant. In doing that, it will cut access to the existing dwelling, therefore, the owner of that rear property proposes construction of a driveway to their frontage on Telegraph Road.

The Planning Commission unanimously recommended approval of the Loeffler Subdivision subject to the following conditions:

- Dedication of the ultimate right-of-way of Telegraph Road along the frontage of Lot #1.

- Recommended waiver of street improvements, with the exception of a street light at the intersection of Rt. 113 and

Telegraph Road. The Township has received request for a street light at that location by the applicant. PP&L costs (amortized over 10 years) for installation and operation of the light should be the responsibility of the applicant.

- Driveway detail should be revised to identify driveway width, paving radii at Telegraph Road, and extension of the driveway culvert.

- Lot #2 should be combined in a common deed with adjoining TMP #15-11-66-1 so as not to create a lot non-conforming to zoning requirements regarding lot width and area.

- Verification of approval of proposed erosion and sedimentation control measures received in writing from the Bucks County Conservation District.

- Planning Modules submitted for approval by the Bucks County Health Department, the Township, and DER unless waived by DER.

- Property pins and monuments as shown on the plan required to be installed and certified prior to plan recordation.

- Relocation of driveway access to serve the existing dwelling on Lot #1 accomplished prior to plan recordation. Driveway permit secured from Hilltown Township prior to any construction activity within Telegraph Road right-of-way.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the final plan for the Loeffler Subdivision, pending completion of the outstanding items as noted above.

3. Country Roads Lots 4, 5, and 6 (Final) - Mr. Wynn advised this is an adjustment of a lot line within the twin home portion of the development. The revision is necessary due to the constructed location of a twin home which did not follow the property boundary. The house was constructed askew, which offset the house from the property line and was not discovered until the home was completely constructed. The plan modifies the lot line between Lots #5 and #6, takes some property from Lot #4, and also modifies two lot lines between the three lots. One of the problems the applicant experienced with submitting this plan to the Planning Commission was that Lot #5 ends up with lot-to-width building setback of less than 40 ft., which is required by the Zoning Ordinance for twin homes. The applicant then appeared before the Zoning Hearing Board, who granted a variance to the lot width requirement.

The lot line adjustment for Lots #4, #5, and #6 in the Country Roads development was unanimously recommended for approval subject to the following conditions:

- Zoning Hearing Board decision regarding lot width variance for Lot #5 should be noted on the plan.

- Installation of concrete monuments as shown on the plan required to be installed and certified prior to plan recordation.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant final approval to the Country Roads Lots #4, #5, and #6 lot line change, with the conditions as specified above.

4. Boulevard Subdivision (Final) - This is a minor subdivision located on Dublin Road. Lot #1 consists of 1.5 acres, an existing barn, shed and dwelling; and Lot #2 consists of a 10 acre lot that has been perked, but is not proposed for development at this time. While there are a number of outstanding items remaining, the Planning Commission felt that most were simple issues which could be resolved easily.

This plan was unanimously recommended for approval by the Planning Commission with the following conditions:

- Notation should be added to the plan indicating the barn on Lot #2 may not be utilized for livestock pursuant to Section 405 A.1. of the Zoning Ordinance.

- Completion of the site cleanup including removal of discarded building materials, old farm machinery, etc. located on the property.

- Note must be added to the plan indicating that street trees must be installed along the frontage of Lot #1 in accordance with Section 415 of the Subdivision Ordinance in the event a dwelling is constructed. A total of three (3) trees is required.

- Plan must clearly indicate location of the existing driveway relative to the site outboundary.

- Note must be included on the plan indicating there will be no construction activity or excavation in areas labeled as floodplain, floodplain soils, and/or potential wetlands.

- Proposed driveway shown for Lot #2, dwelling, etc. should be removed from the plan.

- Right-of-way area of Dublin Road shall be dedicated to Hilltown Township.

- Property pins and monuments as shown on the plan should be installed and certified prior to plan recordation.

- Verification must be received from the Bucks County Conservation District indicating an erosion and sedimentation control approval is not required.

- Existing corrugated metal culvert located within Dublin Road along the frontage of the site should be shown on the plan.

- Planning Module approval must be received from the Bucks County Health Department, Township and DER.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant final plan approval to the

Boulevard Subdivision, pending completion of the eleven conditions as specified.

5. Comcast Metrophone - The Planning Commission unanimously recommended waiver of land development submission for the Comcast Metrophone tower to be constructed on the Township Municipal Building property.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to waive land development requirements for the Comcast Metrophone tower, as specified unanimously by the Planning Commission's recommendation.

6. Supervisor Bennington asked the status of the Pellow Subdivision plan. Mr. Wynn explained that plan is still before the Planning Commission and that the applicant has granted an extension. Solicitor Grabowski noted Ms. Pellow attended the last Authority meeting, and he believes the Authority will schedule a meeting with her in order to attempt to resolve the problems at the site.

7. At one of the Planning Commission meetings, Supervisor Bennington recalls a suggestion being made that a complete water study be done of the Township, and asked how much a study like that might cost. Mr. Wynn does not know how much a study like that would entail.

J. ENGINEERING - Mr. C. Robert Wynn, Township Engineer - None.

K. RESIDENT'S COMMENTS:

1. Mr. Paul Lapinski of Middle Road was in attendance to express concern about the increased amount of traffic on his road due to the Rt. 313 detour through Dublin Borough. Mr. Lapinski explained Middle Road is approximately 18 ft. wide with no shoulders. Vehicles have actually been driving on his and neighboring properties because the road is not wide enough to handle the sizes of some of the vehicles, including tractor trailers. Middle Road and Fretz Road are literally falling apart due to the increased traffic, which is also posing a real danger to children and pedestrians in the area. Mr. Lapinski counted 514 vehicles using Middle Road this afternoon between the hours of 4:10PM and 5:10PM. Late Saturday afternoon, from 5:50PM to 6:50PM, 341 vehicles traveled on Middle Road. Mr. Lapinski asked the Board's cooperation and suggestions for curbing the detour traffic on Middle and Fretz Roads, both of which were not designed and constructed for this type of traffic. Chief Egly agreed that several Hilltown Township roads are being ruined due to this detour. Supervisor Bennington suggested the Township contact Representative Druce, asking for his aid in getting the original

Rt. 313 detour reinstated. Chief Egly commented he has been trying to get some Township roads closed to truck and commercial vehicle traffic for many years.

Mr. Horrocks noted the Township has contacted PennDot warning them to keep detoured traffic out of Hilltown Township. The original signs stating "local business traffic only" through Broad and Middle Roads have been removed. Mr. Horrocks believes the only viable solution the Township can legally attempt would be to bring in an officer on overtime, in a marked car from 6:00AM to 10:00AM, and from 4:00PM to 6:00PM, to park on Middle Road. This would make it inconvenient for drivers, however Chief Egly stated this solution would place the liability problem squarely on Hilltown Township. Supervisor Bennington feels the Township should close both Middle Road and Fretz Road to local traffic only. Mr. Horrocks suggested the Board authorize for the advertisement of an Ordinance to prevent truck and commercial vehicle traffic (except for local deliveries) on Fretz Road, Middle Road, Upper Church Road, Frontier Road, Bypass Road, and any other roads the Board may feel necessary. Mr. Horrocks noted the Board can contact Representative Druce in the hopes that the Township can receive some State funding for repair of Township roads due to the detour.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to authorize advertisement of an ordinance to prevent truck and commercial vehicle traffic (except for local deliveries) on several Township roads, those of which are to be determined by Chief Egly, Mr. Buzby, and Mr. Horrocks.

Mr. Horrocks also suggested that a uniformed officer be brought in on overtime to enforce the closure of Fretz Road for repair by the roadcrew.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize overtime for a police officer, at the Police Chief's discretion, to insure the safety, health and welfare of Township residents, as stated above.

At the Board's direction, Mr. Horrocks will contact Representative Druce and Senator Heckler to request that the original Rt. 313 detour be re-implemented. Chief Egly noted an officer will be available for the closing of Fretz Road tomorrow morning.

Chairman Bennett commented the Board sympathizes with Mr. Lapinski's situation and will do its best to rectify the matter.

2. Mr. John Snyder, chairman of the Zoning Hearing Board, stated recently the Zoning Hearing Board was inundated with four zoning hearings. When dealing with that many hearings in a short

period of time, it is necessary to hold multiple hearings per month. The Zoning Hearing Board members did their best to schedule the hearings. The first two hearings were held on May 4, 1995 and the Pileggi hearing was scheduled for Tuesday, May 23, 1995. Unbeknownst to Mr. Snyder and the Township Secretary, another organization had scheduled use of the meeting room for the same evening. Mr. Snyder was notified of the conflict of meetings almost 50 days into the 60 day time period in which to hold a hearing. Fortunately, Mr. Pileggi's attorney agreed to extend the time period, and the hearing has been rescheduled for June 15, 1995. There is also a Zoning Hearing scheduled for June 1st. Mr. Snyder noted this is not the first time there has been a conflict with scheduling a hearing. Mr. Snyder would like, whenever possible, not to have to beg the forgiveness of the applicant by rescheduling a Zoning Hearing. The applicant does have the right to be heard within 60 days.

Mr. Snyder is proposing that the Zoning Hearing Board, at their June 1st hearing, schedule with the Township Secretary, a second date each month for a Zoning Hearing, which will be held only if necessary. Presently, the Zoning Hearing Board meets on the third Thursday of each month if there is a hearing scheduled. Now the Zoning Hearing Board will schedule a second night where they may or may not meet during the month, on an as-needed basis.

Another recommendation is that if the calendar is checked and a Zoning Hearing is scheduled, yet a conflict arises following that meeting schedule, the Zoning Hearing Board will have priority rights to use the meeting room. Following the June 1st hearing, Mr. Snyder will contact the Township Secretary to schedule the second tentative zoning hearing date for each month. The Supervisors were in agreement with this proposal.

L. SUPERVISOR'S COMMENTS:

1. Supervisor Fox welcomed Supervisor Bennington back, stating meetings haven't been the same without him.

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 May 22, 1995 Board of Supervisors meeting was adjourned at 9:55PM.

Respectfully submitted,

Lynda Seimes
Lynda Seimes
Township Secretary

ADVICE ACCOUNT: HILLTOWN TOWNSHIP
 PO BOX 260
 HILLTOWN, PA 18927
 131120816

DIW ADVANTAGE CALL DETAIL

PAGE: 5
 ACTIVITY THROUGH: 5/10/95
 INVOICE ACCOUNT ID: 131120816
 INVOICE NUMBER: 01051950001709

NBR	DATE	TIME	*	CALLED NUMBER	CALLED LOCATION	MINUTES	GROSS CHARGES
ACCOUNTING CODE: N/A							
ORIGINATING NUMBER: 215 453-1024							
1	4/25/95	3:45P	D	717 787-6074	HARRISBURG PA	5.2	\$.94
2	5/01/95	11:30A	D	717 783-2913	HARRISBURG PA	2.5	.45
TOTAL FOR 215 453-1024 2 CALLS 7.7 MINS \$1.39							
ORIGINATING NUMBER: 215 453-6000							
3	4/19/95	1:05P	D	717 534-8970	HERSHEY PA	.5	\$.09
TOTAL FOR 215 453-6000 1 CALLS .5 MINS \$.09							
ORIGINATING NUMBER: 215 453-6001							
4	4/19/95	12:26P	D	441557331926	UNITEDKGDH UK	19.7	\$20.84
5	4/28/95	9:23A	D	717 622-9483	POTTSVILLE PA	6.0	1.08
TOTAL FOR 215 453-6001 2 CALLS 25.7 MINS \$21.92							
ORIGINATING NUMBER: 215 453-6007							
6	4/17/95	11:10A	D	703 834-1998	FAIRFAX VA	2.3	\$.62
7	4/18/95	9:55A	D	908 423-4209	WHITEHOUSE NJ	.5	.12
8		11:36A	D	703 834-1998	FAIRFAX VA	.5	.14
9	4/19/95	4:05P	D	908 423-4209	WHITEHOUSE NJ	4.7	1.15
10	4/20/95	3:43P	D	717 234-0111	HARRISBURG PA	1.2	.22
11	4/21/95	12:20P	D	717 783-2532	HARRISBURG PA	5.7	1.03
12		1:31P	D	908 423-4209	WHITEHOUSE NJ	.5	.12
13		3:08P	D	908 423-4209	WHITEHOUSE NJ	.5	.12
14	4/24/95	9:24A	D	31250350000	NETHERLNDS NR	.5	1.40
15		3:09P	D	201 391-5855	PARK RIDGE NJ	1.6	.39
16		8:17P	N	31250350000	NETHERLNDS NR	24.9	21.99
17	4/25/95	9:25A	D	717 234-0111	HARRISBURG PA	1.6	.29
18		12:22P	D	703 478-2900	FAIRFAVIAN VA	4.3	1.16
19		3:55P	D	717 787-5452	HARRISBURG PA	.8	.14
20	4/27/95	10:40A	D	412 261-6600	PITTSBURGH PA	21.1	3.80
21	4/28/95	10:04A	D	717 787-8055	HARRISBURG PA	1.4	.25
22		3:16P	D	201 587-1600	HACKENSACK NJ	1.0	.25
23	5/01/95	2:20P	D	609 628-2979	TUCKAHOE NJ	1.7	.42
24	5/09/95	3:26P	D	908 306-7764	SOMERVILLE NJ	.9	.22
TOTAL FOR 215 453-6007 19 CALLS 75.7 MINS \$33.83							
ORIGINATING NUMBER: 215 453-6012							
25	4/17/95	9:02A	D	717 787-4016	HARRISBURG PA	1.3	\$.23
26	4/18/95	9:33A	D	717 787-4016	HARRISBURG PA	.5	.09
27		10:19A	D	717 787-4016	HARRISBURG PA	3.3	.59
28		10:43A	D	717 787-4016	HARRISBURG PA	4.6	.83
29		12:49P	D	717 787-4016	HARRISBURG PA	7.1	1.28
30	4/24/95	10:20A	D	717 787-4016	HARRISBURG PA	.8	.14
31	4/25/95	9:47A	D	717 367-1536	ELIZABHTN PA	1.3	.23
32		9:48A	D	717 367-8238	ELIZABHTN PA	.8	.14
33		9:50A	D	717 367-1536	ELIZABHTN PA	1.3	.23
34	4/27/95	9:05A	D	717 787-4016	HARRISBURG PA	2.8	.50
35	5/01/95	8:46A	D	717 787-4016	HARRISBURG PA	1.8	.32
36		11:21A	D	606 266-7227	LEXINGTON KY	2.7	.75
37	5/02/95	9:32A	D	216 461-5000	LYNDHURST OH	2.4	.65
38	5/05/95	1:50P	D	717 724-3424	WELLSBORO PA	.5	.09
TOTAL FOR 215 453-6012 14 CALLS 31.2 MINS \$6.07							
ORIGINATING NUMBER: 215 453-6013							
39	4/12/95	11:43A	D	203 233-8635	W HARTFORD CT	2.5	\$.66
40		11:46A	D	203 233-8635	W HARTFORD CT	2.3	.61
41	4/17/95	10:19A	D	717 879-4221	HALLSTEAD PA	1.0	.18

NBR	DATE	TIME	*	CALLED NUMBER	CALLED LOCATION	MINUTES	GROSS CHARGES
42	4/18/95	2:55P	D	717 787-4016	HARRISBURG PA	13.6	\$2.45
43	4/21/95	1:44P	D	609 969-4212	CAMDEN NJ	.5	.12
44		3:57P	D	609 969-4212	CAMDEN NJ	.5	.12
45	5/01/95	3:18P	D	609 969-4212	CAMDEN NJ	.5	.12
46		3:18P	D	609 969-4212	CAMDEN NJ	.5	.12
47	5/03/95	3:59P	D	609 561-7734	HAMMONTON NJ	2.1	.51
48	5/04/95	3:23P	D	717 555-1212	DIR ASST PA	1.0	.75
49		3:24P	D	717 961-8731	SCRANTON PA	5.0	.90
50	5/05/95	8:55A	D	717 787-4016	HARRISBURG PA	2.9	.52
51	5/08/95	3:10P	D	609 561-7734	HAMMONTON NJ	3.5	.86
TOTAL FOR 215 453-6013 13 CALLS 35.9 MINS \$7.92							
ORIGINATING NUMBER: 215 453-6018							
52	4/10/95	8:29P	E	508 283-2189	GLOUCESTER MA	5.7	\$1.23
53	4/13/95	3:34P	D	609 670-4763	HADDONFLD NJ	1.3	.32
TOTAL FOR 215 453-6018 2 CALLS 7.0 MINS \$1.55							
ORIGINATING NUMBER: 215 453-6020							
54	4/19/95	9:36A	D	201 884-2100	WHIPPANY NJ	1.3	\$.32
55	5/08/95	3:38P	D	717 787-4016	HARRISBURG PA	1.4	.25
56		3:40P	D	717 787-3130	HARRISBURG PA	1.3	.23
57		3:46P	D	717 232-5000	HARRISBURG PA	4.5	.81
TOTAL FOR 215 453-6020 4 CALLS 8.5 MINS \$1.61							
ORIGINATING NUMBER: 215 453-6022							
58	4/21/95	11:55A	D	717 879-2558	HALLSTEAD PA	.6	\$.11
59		11:59A	D	717 879-2558	HALLSTEAD PA	3.5	.63
60	4/24/95	11:15A	D	201 884-2100	WHIPPANY NJ	1.0	.25
TOTAL FOR 215 453-6022 3 CALLS 5.1 MINS \$.99							
ORIGINATING NUMBER: 215 453-6024							
61	4/11/95	3:04P	D	717 657-4219	HARRISBURG PA	.5	\$.09
62	4/13/95	8:38A	D	717 657-4219	HARRISBURG PA	3.1	.56
63	5/08/95	9:30A	D	717 657-4219	HARRISBURG PA	2.1	.38
64		11:56A	D	717 540-9339	HARRISBURG PA	1.8	.32
TOTAL FOR 215 453-6024 4 CALLS 7.5 MINS \$1.35							
ORIGINATING NUMBER: 215 453-6029							
65	4/21/95	11:37A	D	609 778-1500	MOORESTOWN NJ	5.4	\$1.32
66	4/27/95	7:32A	N	609 384-1507	WOODBURY NJ	.6	.12
TOTAL FOR 215 453-6029 2 CALLS 6.0 MINS \$1.44							
ORIGINATING NUMBER: 215 453-6030							
67	4/12/95	9:40A	D	908 449-4500	SPRINGLAKE NJ	3.6	\$.88
68		6:50P	E	717 555-1212	DIR ASST PA	1.0	.75
69		7:19P	E	717 442-8265	GAP PA	1.1	.16
70	4/19/95	10:36A	D	717 626-2329	LITITZ PA	1.2	.22
71		10:38A	D	717 626-2329	LITITZ PA	.8	.14
72	4/21/95	11:34A	D	609 555-1212	DIR ASST NJ	1.0	.85
73		11:36A	D	609 663-5200	MERCHANTVL NJ	.6	.15
74	4/26/95	2:22P	D	609 561-7734	HAMMONTON NJ	5.5	1.35
75	5/03/95	2:10P	D	508 855-3203	WORCESTER MA	1.5	.40
76	5/04/95	10:19P	E	609 384-1507	WOODBURY NJ	4.0	.79
77	5/09/95	8:20P	E	609 694-1414	FRANKLINVL NJ	.9	.18
TOTAL FOR 215 453-6030 11 CALLS 21.2 MINS \$5.87							

* RATE: D=DAY E=EVENING N=NIGHT