

HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED PUBLIC MEETING
Monday, April 24, 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 7:40PM and opened with the Pledge of Allegiance.

Also present were: Jack C. Fox, Supervisor
Bruce G. Horrocks, Township Manager
Francis X. Grabowski, Township Solicitor
Mike Russek, Township Engineer's Office
George C. Egly, Chief of Police
Lynda Seimes, Township Secretary

Chairman Bennett requested a moment of silent prayer for the victims of the Oklahoma City bombing.

Chairman Bennett announced that Supervisor Bennington was in Amsterdam on business, and he would be participating later in the evening via speaker phone.

A. APPROVAL OF MINUTES:

Action on the minutes of the March 27, 1995 Meeting:

Supervisor Fox noted the following corrections:

- page 1, second paragraph under "Action on the minutes of the February 27, 1995 meeting," the last sentence should read "The recommendation of the Board of Supervisors was that Mr. Rumer either hire an engineer to re-design the project; or that Mr. Rumer place a deed restriction on the plan, limiting the total three properties to **10,000** square feet."

- page 3, second paragraph from the bottom of the page, the last sentence should read "Mr. Lynch believes the homes will be offered at approximately \$230,000.00 to **\$300,000.00.**"

- page 6, second paragraph from the bottom of the page should read "Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt Resolution #95-20, giving the Hilltown Township Police Department authorization to **obtain** free federal government surplus property."

- page 7, fourth paragraph, the last sentence should read "This correspondence addresses all of the audit findings, with the greatest percentage of the findings prior to August of 1991, with **most** going back as far as 1987."

- page 8, third paragraph from the bottom of the page, the first sentence should read "Supervisor Bennington stated this

particular case does not concern him as much as setting a precedent for future situations, and it is his personal opinion that the Township **does** appeal this particular decision."

- pg. 8, second last paragraph from the bottom of the page should read "Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously that the Township **does** appeal the George Baker Subdivision decision, thereby not setting a precedent."

- pg. 17 onto page 18, Supervisor Fox noted his statement was omitted from the minutes. Supervisor Fox added the following statement "**As a private citizen, I will go anywhere I wish to go, into any court, and I will not be representing the Township. As a citizen, I have a right to do that.**"

Motion was made by Supervisor Fox, seconded by Chairman Bennett, and carried unanimously to approve the minutes of the March 27, 1995 Board of Supervisors meeting, as corrected.

Action on the minutes of the April 10, 1995 Worksession:

- pg. 5, last paragraph, Supervisor Fox wished to insert the following statement "**The only way Township business should be discussed outside of a public meeting is when there is not a majority of Supervisors present. When there is a majority of Board members present, it would be against the Sunshine Law to discuss Township business.**" Supervisor Fox commented when two Supervisors are together, they should not discuss Township business without advertising it.

Motion was made by Supervisor Fox, seconded by Chairman Bennett, and carried unanimously to approve the minutes of the April 10, 1995 Board of Supervisors Worksession meeting, as corrected.

B. APPROVAL OF CURRENT BILLING: Chairman Bennett presented the Bills List, dated April 25, 1995, with General Fund payments in the amount of \$108,548.73 and Fire Protection Fund payments in the amount of \$18,230.00, for a grand total of all funds in the amount of \$126,778.73.

Motion was made by Supervisor Fox, seconded by Chairman Bennett, and carried unanimously to approve the Bills List dated April 25, 1995, subject to audit.

C. TREASURER'S REPORT: Mr. Horrocks read the Treasurer's Report with the following balances as of April 21, 1995:

General Fund Checking Account	\$ 125,244.88
Payroll Checking Account	\$ 302.99
Fire Fund Checking Account	\$ 74,881.77
Debt Service Investment Checking Account	\$ 105,222.01
State Highway Aid Checking Account	\$ 220,718.49
Escrow Fund Checking Account	\$ 136,534.06

Motion was made by Supervisor Fox, seconded by Chairman Bennett, and carried unanimously to accept the Treasurer's Report, dated April 21, 1995, subject to audit.

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

E. CONFIRMED APPOINTMENTS:

1. Mr. Larry Gruver - Niessen, Dunlap and Pritchard - Mr. Gruver advised the Board received copies of the Audit Report for 1994. The Auditor's Opinion, found on pages one and two, indicates the Township's financials are prepared on the cash basis of accounting and also indicates that this audit report does not include the activities of the Water and Sewer Authority. The Board may recall from prior discussions that the Township has guaranteed the Bond Issue of the Authority, and under generally accepted accounting principals, the Authority's finances would be presented combined with the Township. However, due to Department of Community Affairs requirements, as well as the Township's desire to maintain its own financial statement, Mr. Gruver advised this report does not include the Authority's activities. In Mr. Gruver's opinion, except for the exclusion of the Authority's activities, these financial statements do fairly present the assets, liabilities, and fund equities on a cash basis.

At the end of the 1994 year, Mr. Gruver advised the General Fund had a \$160,000.00 fund balance which was comprised of \$117,000.00 that was totally undesignated and \$43,000.00 representing highway improvement funds which had been received in a previous year within the General Fund, and are still being designated separately until they are spent. The Special Revenue Fund group, which includes State Liquid Fuels, Street Light Fund, Fire Protection Fund and the Fire Hydrant Fund, had a combined ending fund balance of \$86,000.00 as of December 31, 1994. Mr. Gruver noted the Capital Projects Fund is a new category this year as a result of the Bond Issue which took place during 1994. As of December 31, 1994, there was \$236,000.00 in the Capital Projects Fund, with \$151,000.00 coming from the proceeds of the 1994 Bond Issue, and \$85,000.00 of that balance coming from the 1989 Bond Issue which the Authority held. This represents the capital monies the Township still had available

to it from the other Bond Issue. The Debt Service Fund had an ending balance of \$40,000.00; the Developer's Escrow Fund contained an ending balance of \$88,000.00; and the Pension Trust Funds had a combined fund balance at the end of the year in the amount of \$2,401,000.00, which was comprised of \$1,872,000.00 for the Police Pension Fund, and \$529,000.00 for the Non-Uniform Pension Fund.

On page 4 of the report, the Board will notice a caption titled "Account Groups" which contains a column called "General Fixed Asset Accounts." In previous years, Mr. Gruver noted there was a qualification in the Audit Report indicating that the Township had never developed a detailed listing of all property and equipment with the estimated historical costs. That was accomplished during the past year and is indicated in the Report, which is further defined in the "Notes" section. There is \$2.7 million dollars booked as the estimated historical costs on the assets the Township currently owns. Mr. Gruver pointed out those costs are at estimated historical costs which is determined by using correct accounting principals. The fixed assets, particularly real estate, are most likely worth a great deal more than that, however they are required to be recorded at historical costs. The second column under "Account Groups" is titled "General Long Term Debt", and shows the \$2.4 million outstanding on the Bond Issue as of December 31, 1994.

When mentioning "historical costs", Chairman Bennett asked if that is the actual cost, and Mr. Gruver replied that is correct. In some cases, with equipment or other property, Mr. Gruver commented it is not worth the effort to research invoices, etc.. Therefore many times, an estimated historical cost is acceptable as well. There is no real impact, like a commercial entity would have with tax rules and depreciation.

Mr. Gruver explained the Revenues and Expenditures by each of those fund groups is noted on pages 5 and 6. In the General Fund, there were revenues of \$2.165 million and expenditures of \$2.166 million, or excess expenditures at that point in the amount of \$800.00. There was a transfer in from the Capital Project Fund in the amount of \$73,000.00 to reimburse the General Fund for capital expenditures made during the year, which resulted in a net increase in the General Fund of approximately \$72,000.00 for 1994, with an ending balance of \$160,000.00. The results of the 1994 Bond Issue proceeds are shown in both the Capital Projects Fund and the Debt Service Fund. Continuing in the Debt Service Fund, there is \$2.245 million dollars of Bond proceeds which came in, with \$2,186,000.00 of that went into Escrow to defease the prior Bond Issue.

On page 13 of the Notes, #5 - General Fixed Assets is recapped by the major asset category for the \$2.7 million dollars of Assets which was capitalized. Mr. Gruver noted Building and Improvements

was listed at approximately \$1.6 million dollars. This is a fairly accurate historical cost because the year the building was completed, Niessen, Dunlap and Pritchard had done the first audit on the Township and many of those historical costs were confirmed during that audit. The Board will notice in the Report though, that they are shown as additions during 1994. This is because of the defeasance of the lease rental debt, where the title for the building actually passed to the Township. This explains why those figures are showing as an addition in 1994. Other categories include Land and Improvements, Machinery and Equipment, and Trucks and Autos. In the case of Buildings and Improvements, Chairman Bennett asked if that includes legal and engineering fees and Mr. Gruver replied that it does.

Note #6 on pages 13 and 14 goes into more detail concerning the Bond Issue and the defeasance of the debt, which is all required disclosures as far as what took place. Mr. Gruver wished to highlight that as a result of the advanced refunding the Township undertook with the Bond Issue, the Debt Service requirements under lease rental were reduced by \$260,000.00 in actual dollars. If the present value of that is taken over the future years, it would be an economic gain of approximately \$101,000.00. This shows the prudence of the entire transaction. Note #7 shows the future debt service requirements on the new Bond Issue and completes the disclosures on that transaction.

Mr. Gruver advised the Pension Funds are described in Note #9. The amounts of Part C - Funding Status and Progress of Note #9 have not changed from the prior year. The January 1, 1993 evaluation by the actuary was the most recent complete valuation. At the time of the audit report, it showed that the Police Pension Plan was actually overfunded by \$157,000.00 and the Non-Uniform Pension Plan was overfunded by \$120,000.00. Subsequent to the issuance of this report, Mr. Gruver noted P.M.R.S. provided a January 1, 1994 estimated update, yet the Police Pension Plan was still overfunded by approximately \$140,000.00 and the Non-Uniform Pension Plan was overfunded by approximately \$150,000.00. Those plans continue to be in very good financial shape as far as the funding status. Most municipal pension plans which are defined benefit plans frequently have an unfunded liability, however both Hilltown Township plans have assets in excess of the Pension Obligation.

Note #13 on page 23 is titled "Contingencies" and the amounts shown here are not reflected in the financial statements because these transactions have not yet resulted in activity with the Township. As addressed in Note #13 under "Water and Sewer Authority Bonds", the Township has guaranteed \$2.9 million dollars of the Authority Bonds. The worst case scenario, should the Authority default on those, is that the Township would have to pick those up, which is why they are shown as a "Contingency".

The second item under Note #13 - Contingencies, is the "Audit of Pension Plans by Pennsylvania Auditor General." Mr. Gruver explained the Auditor General had performed an audit for a number of years and had returned to open some prior years findings. The Township is still in the status of appealing those findings, which is noted as a possible contingency should the Township be required to make certain payments as originally requested by the Auditor General's Office.

Chairman Bennett asked Mr. Gruver if he felt the Township is in better financial shape than they were a year ago. Mr. Gruver agreed the Township is certainly in much better shape than they were previously. The General Fund increased to almost double in 1994 in the ending fund balance, and all the other fund balances are very healthy as well. Mr. Gruver indicated that the Township can save future cash flow payments on the prior debt by doing the refunding.

Mr. Gruver presented the Board with copies of the management letter recommendations which consists of three brief comments. The first general comment, which is shown every year and will not change unless the Township staff were to grow significantly, deals with segregation of duties. Due to the limited amount of personnel and the employees involved in the accounting function, Mr. Gruver noted there is not a perfect segregation of duties. The comment further states that N.D.P. is aware that it is not cost beneficial to hire another employee in order to have additional control. In approximately 80% of the municipalities N.D.P. audits, Mr. Gruver advised that comment is present because of the size of the Township.

Another area listed is exonerations, which Mr. Gruver believes was also mentioned last year. The Tax Collector is required to draft a listing of exonerations of people who are exonerated from the Per Capita Tax. Historically, Mr. Gruver believes the Supervisors have just allowed the Tax Collector to not be responsible for those taxes, however technically, the Board should act upon that list and formally approve those exonerations.

The last comment deals with bids. Mr. Gruver advised there was one capital purchase made during the year that was not advertised for bid which appeared to be an oversight. It is noted that additional care be taken to insure all bids are advertised in the future.

Chairman Bennett thanked Mr. Gruver, stating he personally is very pleased with Niessen, Dunlap and Pritchard and their performance.

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

1. Bid Opening - Dehumidifiers - Mr. Horrocks advised this bid was advertised as required. One lone bid was received for the purchase of two industrial dehumidifiers from Bergey's Heating and Cooling. The bid price is the exact same price which was quoted for budgetary reasons in the fall of 1994. The bid price is \$24,000.00 installed.

Motion was made by Supervisor Fox, seconded by Chairman Bennett, and carried unanimously to award the bid for two dehumidifiers from Bergey's Heating and Cooling in the amount of \$24,000.00.

2. Mr. Horrocks presented ten escrow releases for the Board's approval this evening, all ten of which are letters of credit held by the bank:

Country Roads Phase I	Voucher #37	\$ 20,895.30
Country Roads Phase II	Voucher #02	\$ 677.05
Country Roads Phase II	Voucher #03	\$ 11,137.50
Gro-N-Sell, Inc.	Voucher #01	\$ 543.20
Hager Subdivision	Voucher #14	\$ 429.45
Hager Subdivision	Voucher #15	\$ 2,887.25
Quiet Acres Mobile Home Park	Voucher #02	\$ 54,007.20
Quiet Acres Mobile Home Park	Voucher #03	\$ 166.35
Spur Road Associates(Fretz)	Voucher #01	\$ 123.40
Sterling Knoll Phase II	Voucher #3A	\$ 257.50

Motion was made by Supervisor Fox, seconded by Chairman Bennett, and carried unanimously to approve release of the ten escrows as listed above.

3. Mr. Horrocks presented Capital Project recommendations dating back to the beginning of the 1989 Bond Issue, with all requisitions and capital project budgets recommended in 1989 and 1990. Mr. Horrocks has also included a Capital Project recommendation of items for consideration. This is a "Wish List" from all departments in the Township in order to eventually present capital projects in a budgetary category, if the Board so desires.

4. Once again, Mr. Horrocks presented a proposal for the Board's review for the purchase of a new telephone system. Mr. Horrocks has surveyed customers of the Township and has provided copies of minutes from as far back as 1991 where the elected auditors recommended that serious consideration be given to reducing the cost of the telephone system. A written recommendation has been received from the Bucks County Department of Communications concerning the system that is proposed to be purchased.

5. Mr. Horrocks advised the Planning Commission has received a draft of the updated Subdivision/Land Development Ordinance from Mr. Wynn's office, and following review at their next few worksession meetings, it should be ready for the Supervisors to consider for adoption.

G. CORRESPONDENCE: None.

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

1. Solicitor Grabowski advised the Baker zoning appeal was discussed at the last meeting and was authorized to be filed with the Pennsylvania Commonwealth Court. The appeal was filed and a proposed statement of facts was filed with the Bucks County Court in order for them to write their opinion.

2. Mr. Joseph Pileggi has filed an appeal from the District Justice decision which was in favor of Hilltown Township. As a result, Hilltown Township has filed its complaint with the Bucks County Court of Common Pleas.

3. With regard to the appeal on the O'Neill property, Solicitor Grabowski advised no appeal has been filed by the applicant with the Pennsylvania Commonwealth Court in this matter thus far. Solicitor Grabowski suggested the Zoning Officer begin reviewing the situation in order to determine whether or not compliance has been initiated.

4. Solicitor Grabowski noted the Commonwealth Court issued its decision on April 20, 1995 on the Bernie Enterprises zoning appeal, reversing the Bucks County Court, and approving the decision of the Hilltown Township Zoning Hearing Board in this matter. Copies of the Commonwealth Court decision were included in the Supervisors packet this evening, after being received today in the mail. At this time, Bernie Enterprises has the right to either file a petition for reconsideration to the Commonwealth Court or to file a petition to the Pennsylvania Supreme Court, requesting the Supreme Court to grant an appeal in the matter. Either situation must be accomplished within thirty days from the decision of the Court.

I. PLANNING - Mr. Mike Russek, Township Engineer's Office:

Mr. Horrocks noted Mr. Bennington is now on the speaker phone, and stated we should be able to hear him very well, however it may be more difficult for him to understand us. Therefore, Mr. Horrocks requested that from this point on, the Board use the microphones extensively.

1. Hilltown Crossings (Prel.) - Chairman Bennett advised the plan received recommendation for preliminary approval from the Planning Commission (5:2 vote).

Mr. Russek noted Mr. Wynn prepared a written report dated April 20, 1995, concerning all the planning and engineering items on tonight's agenda. Mr. Russek advised there were nine or ten conditions on which the plan was recommended for approval by the Planning Commission. Those items include:

- Resolution of street improvements and receipt of Highway Occupancy Permit from PennDot for the proposed improvements along Rt. 309 and the traffic signals;

- A resolution of the traffic signal permit application and coordination between the developer, the Township, and Hatfield Township prior to plan approval, as well as resolving the responsibility of costs associated with the operation and maintenance of those signals;

- Improvements to off-site intersections to address traffic revisions required by the traffic analysis must be included for review for the final plan submission;

- Submission of a conceptual plan regarding improvements that would be needed to Township Line Road and Rt. 309 if there was adequate right-of-way obtained;

- Ultimate right-of-way dedication along the frontage of the site;

- Request for a waiver from sidewalk installation on Rt. 309 which was the only waiver requested by the applicant;

- Planning module approval for the sanitary sewer facilities and a requirement that design of the actual facilities must receive approval from Hatfield Township Authority;

- Verification of approval of the water system design and connection to public water must be received in writing from the North Penn Water Authority, as well as comments from the Hilltown Township Fire Company for the proposed hydrant locations and access through the site for fire fighting purposes;

- Receipt of an NPDS permit for earthmoving activities which would be administered by the Bucks County Conservation District;

- Execution of financial security agreements to guarantee all required improvements.

Mr. Russek noted the applicant is offering a capital contribution to the Township in the amount of \$150,000.00, less the actual cost of installation of a sanitary sewer line which will benefit off-site properties north of the site. Mr. Russek commented the installation is actually not necessary to provide sewer to the proposed development itself.

With regard to the capital contribution the applicant has offered, Supervisor Fox commented the Subdivision/Land Development Ordinance, under "Public Sanitary Sewers", Section 514, page 70, states "Sewer lines shall be suitably capped at the limits of the subdivision or land development and that laterals should be capped at the right-of-way line. The sewers should be run in the right-of-way or easements to bring the sewer to future connections with public sanitary sewer systems." Therefore, Supervisor Fox stated, there is actually a requirement that anyone constructing a land development or a housing development must extend the sewers from one end of their property to the other. The actual cost could be in excess of \$100,000.00 to get design work to tunnel under Rt. 309 and run the sewers from one end of their property to another, which means that the applicant's offer of \$150,000.00 is not exceptional.

Even though that area is properly zoned for a shopping center as Mr. Stein has previously stated, and the applicant has done a tremendous amount of work on the proposal, Supervisor Fox believes the problems the developer will leave Hilltown Township with will be extreme. Even though this type of proposal belongs in this area of the Township and the Comprehensive Plan states this is where it should go, Supervisor Fox noted that does not mean the Township should take the problems involved without attempting to solve them now. Supervisor Fox feels a major problem will be traffic on Rt. 309, which will only increase with the addition of a shopping center with three more entrances and two separate traffic lights. The applicant has stated in the past that a solution will be to regulate and coordinate the traffic signals, however Supervisor Fox feels that if it was that easy to correct the traffic situation, PennDot would have regulated the existing traffic signals.

It is Supervisor Fox's opinion that this project was not only steam rolled, it was "blitzkrieged" through. This is the first time the Board of Supervisors has seen the plan, although it appeared before the Planning Commission on two occasions. This is the biggest development coming into Hilltown Township and it is moving at an extremely fast pace. Supervisor Fox has concerns about increased traffic running in an area that is presently overwhelmed with traffic.

Supervisor Bennington attended the last Planning Commission meeting when a recommendation for preliminary plan approval was given. He fully understands the position of Mr. Coyne and Mr. Rice that there

may be a problem with traffic and with the offset intersection on Rt. 309. However, as Supervisor Fox previously stated, Hilltown Crossing's proposal is allowed in that area because it was zoned for that use.

The point was made that the preliminary plan approval is needed before the applicant can obtain a final PennDot evaluation of the entire project, which Supervisor Bennington feels is crucial. Supervisor Bennington believes a preliminary plan approval is just that, it is not a final plan approval. It is very possible that PennDot may reject the entire concept for the project, however the applicant can not proceed without a preliminary plan approval. Further, Supervisor Bennington noted the sewer extension itself is not required for Hilltown Crossings, however the applicant has offered to install it as part of the capital improvements so that all the businesses along Rt. 309 which have failing systems will be able to connect. Mr. Russek agreed that was correct, stating Hilltown Crossings could actually service their property from an existing manhole which is located at the southern corner of the property. The problem is that an extension can not be achieved for the properties north of the site because of the existing depth of the manhole being too shallow. Therefore, the applicant has proposed extending from a deeper manhole with adequate depth on the west side of Rt. 309, bringing that line across to make an extension north of the site. In speaking with Mr. Wynn, Supervisor Bennington believes the proposed cost was approximately \$75,000.00, rather than \$100,000.00 as stated by Supervisor Fox. Mr. Russek advised Mr. Wynn estimated the actual cost for that extension in the range of \$75,000.00 to \$80,000.00. Supervisor Bennington asked if the remainder of the \$150,000.00 could then be used for any project the Township wished, and Mr. Russek replied that was correct.

Supervisor Bennington believes there is a problem because the Township does not have an Ordinance in place to collect park and recreation fees, or an Impact Ordinance, unlike many other municipalities. Supervisor Bennington feels Hilltown Township has fallen short in that regard, and feels that the Board should consider the feasibility of an Impact Ordinance, as well as a Park and Recreation Fee Ordinance. At present, the Township negotiates in good faith with any given developer, however the developer does not legally have to donate those fees.

As much as Supervisor Bennington is concerned, like Mr. Coyne and Mr. Rice, about the off-set intersection and the increased traffic, he is inclined to vote to approve a preliminary plan approval in order to see what PennDot's response will be. Chairman Bennett agreed with Supervisor Bennington, stating that he is impressed by the fact that the Planning Commission has presented their recommendation for preliminary approval.

Supervisor Fox quoted the following from Section 508 of the Municipal Planning Code, page 101, ii, which states "When the application for approval of a plan, whether preliminary or final, has been approved without conditions or approved by the applicant's acceptance of conditions, no subsequent changes or amendments in the Zoning, Subdivision or other government Ordinance or plan shall be applied to affect the adversity of the right of the applicant to commence and to complete any aspect of the approved development in accordance of the terms of such approval within five years of the approval." Supervisor Fox believes that statement means once the Township gives preliminary approval, that is it - hands off.

Supervisor Bennington commented when there is a motion for preliminary plan approval, all conditions should be included. In this case, obviously one of those conditions would be final PennDot approval. Supervisor Bennington stated PennDot has more experience and expertise with regard to the traffic and pattern flows than the Supervisors do. Therefore, as one of the conditions for approval, if PennDot rejects this plan, since that condition is part of Hilltown Township's preliminary plan approval, the applicant can not proceed. Chairman Bennett noted there are nine conditions to this preliminary approval, including final PennDot approval.

Motion was made by Supervisor Bennington, and seconded by Chairman Bennett to grant preliminary approval to Hilltown Crossings with the conditions as noted above, specifically highlighting the traffic issue which should be finalized by PennDot's approval or disapproval. Supervisor Fox voted nay. Motion passed 2:1:0.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to recommend that the Park and Recreation Board investigate a very expedient review and decision process concerning a Park and Recreation Ordinance for Hilltown Township, as well as directing the Township Solicitor and Engineer to investigate the feasibility of an Impact Ordinance being implemented by Hilltown Township.

Supervisor Fox commented these types of Ordinances should have been adopted six years ago when he requested it to be done.

Supervisor Bennington ended his telephone call, and the meeting continued with Supervisor Fox and Chairman Bennett in attendance.

Mr. Russek advised the Township should pass a Resolution for the Planning Modules for Hilltown Crossing to be forwarded to DER. Motion was made by Supervisor Fox, seconded by Chairman Bennett, and carried unanimously to **adopt Resolution #95-21 to forward Planning Modules for Hilltown Crossings to DER.**

2. Kunkin and Kunkin - Mr. Jim Strothers was in attendance to present the plan. The project was initially approved and an addition was constructed in approximately 1986. At that time, the plan had been before the Board of Supervisors as a site plan and obtained approvals necessary through the township and their engineer. Some time after approval was granted, the addition was built and some of the improvements were completed. It was not until the applicant recently proposed construction of an 82 ft. by 106 ft. addition that it was discovered some of the original improvements shown on the plan were not completed. The applicant appeared before the Planning Commission with a request for the land development process because their proposed addition would take up some of the paving area. There would be no increase in run-off since the area will be going from macadam to roof surfaces. The parking remains adequate and there are no new employees proposed by this addition. Mr. Strothers stated that one of the originally proposed detention basins was never constructed. Following recent discussions with Mr. Wynn, it is felt that at this time, the second detention basin may not be warranted since there is no adverse affect in the area from lack of this basin. The applicant is requesting a waiver of land development plan for this addition. In conjunction with that, Kunkin and Kunkin would contribute to the Township, the amount of \$13,777.00. This cost estimate was obtained through Mr. Wynn's office for the improvements which were not completed from the prior plan, subtracting the difference of installation of trench drains along the driveways. The applicant feels these drains are necessary and are willing to install them at this time. Mr. Strothers noted the applicant will install the drains approximately where they are shown on the former plan and the installation would be coordinated with Mr. Wynn and the Director of Public Works. The applicant would also provide an as-built plan to the Township for their records, showing all the features which currently exist on this site. Further, Mr. Strothers noted any engineering and legal expenses incurred by the Township will be paid by Kunkin and Kunkin. The Township Engineer recommends execution of agreements between the applicant and Hilltown Township to guarantee completion of the improvements.

Motion was made by Supervisor Fox, seconded by Chairman Bennett, and carried unanimously to accept the Kunkin and Kunkin plan subject to those conditions as specified in Mr. Wynn's engineering review letter, dated April 20, 1995, and that an escrow be established in order to guarantee completion of the improvements.

3. Calvary Church Subdivision (Final) - Mr. Dennis Schlosser, the applicant's engineer, was in attendance on behalf of Calvary Church. The plan received recommendation for conditional approval from the Planning Commission at its last meeting. Mr. Wynn's engineering review letter, dated April 6, 1995, was discussed. There are two issues the applicant has not

yet complied with, however they are asking the Township to approve the plan subject to completion of those issues. Mr. Schlosser advised the property pins have been installed and the monuments will be installed this week. The deeds conveying the right-of-way to the Township are presently being executed. Plans have been modified as requested in items #2 and #5 of Mr. Wynn's review letter, and the Planning Module has been waived. Mr. Schlosser is requesting final approval to the Calvary Church Subdivision, subject to completion of all the remaining conditions.

Motion was made by Supervisor Fox, seconded by Chairman Bennett, and carried unanimously to grant conditional final approval to the Calvary Church Subdivision, pending completion of the outstanding items as listed in Mr. Wynn's engineering review letter dated April 20, 1995.

J. ENGINEERING - Mr. Mike Russek, Township Engineer's Office:

1. Olesky Land Development (Prel.) - Mr. Christopher Schubert, attorney for the applicant, was in attendance to present the plan. Mr. Schubert explained the applicant intends to establish a used car detailing business on the subject property, which is a permitted use in the Planned Commercial Zoning District in which the site is located.

At the last meeting, the preliminary plan proposal for land development was reviewed by the Board and the plan was tabled pending resolution of dedication of right-of-way which was not offered by the applicant. Mr. Wynn's engineering review letter dated February 28, 1995 was discussed. Mr. Wert, the applicant's engineer, has made revisions to the plan to address the comments in that letter. Mr. Olesky agreed that the right-of-way can be granted along County Line Road as a 20 ft. wide easement for utility purposes. Mr. Schubert understands that the ultimate concern is that the utilities could be taken down Spur Road as well. Although not shown on the plan, Mr. Schubert has discussed the possibility of running the 10 ft. area between the existing right-of-way and out to the ultimate right-of-way with Mr. Olesky, and he is willing to grant that utility easement as well.

Supervisor Fox believes that Mr. Wynn's concern was that the Township may wish to widen or make improvements to Spur Road in the future and a utility easement will not be sufficient. Mr. Wynn's recommendation was dedication of that right-of-way. Mr. Schubert advised Mr. Olesky is in agreement to the dedication of the right-of-way along Spur Road.

The applicant has submitted requests in writing for waiver of Subdivision/Land Development Ordinance requirements, including stormwater management, street improvements such as curbing,

sidewalks, and widening along the Bethlehem Pike frontage, and buffers. The applicant is requesting that the Township recognize existing vegetation along Spur Road as a sufficient buffer. In lieu of a detention basin being established on the property, Mr. Schubert believes it was Mr. Wynn's comment that the existing stormwater flow and the sheeting effect coming across the property makes sense for this particular parcel of land.

Mr. Olesky is eager to establish his business and therefore, is seeking preliminary plan approval conditioned upon those outstanding items in Mr. Wynn's review letter.

Motion was made by Supervisor Fox, seconded by Chairman Bennett, and carried unanimously to grant conditional preliminary approval to the Olesky Land Development, pending completion of the outstanding items as noted above, plus the change in the easement right-of-way along Bethlehem Pike and dedication of the right-of-way of Spur Road.

2. Tel-Vil Corporation Subdivision - Mr. Russek advised the developer is preparing to pave the internal street and finalize outstanding items to complete public improvements at the subject subdivision. Since the Public Works Department intends to resurface Cherry Lane/Cherry Road, Mr. Garis has offered a capital contribution in lieu of the paving he is required to complete pursuant to this plan. A contribution in the amount of \$7,500.00 is based on items as contained within correspondence from Mr. Wynn to Mr. Horrocks, dated March 31, 1995. Mr. Wynn requests authorization to accept the contribution which can be applied to costs for the Township paving project.

Additionally, Mr. Russek noted, the letter of credit guaranteeing public improvements at the subject subdivision expires on May 8, 1995. Mr. Garis is forwarding correspondence to the Township requesting an extension in order to complete the public improvements as well as an extension of the letter of credit. In the event the letter of credit extension is not received, Mr. Wynn requested the Board's approval to declare Mr. Garis in default, pending receipt of the revised letter of credit such that appropriate notification may be made to Union National Bank and Trust Company prior to May 8, 1995, if necessary. Mr. Russek understands that Union National Bank has given a verbal commitment to extend the letter of credit as needed, however they indicated that extension can not occur until May 5, 1995 because that is when their board meets to review extensions. Mr. Russek cautioned that in the event the bank fails to extend the letter of credit by May 8, 1995, the Board should authorize Mr. Wynn and the Township Solicitor to request to secure those funds.

Motion was made by Supervisor Fox, seconded by Chairman Bennett, and carried unanimously to approve the extension of the letter of credit for the Telvil Corporation Subdivision from May 8, 1995 to July 5, 1995, and depending on the security of the escrow of this property, if the bank does not extend the letter of credit, recommend that the plan be denied and to authorize declaration of default.

K. LINENS FOR SIGNATURE:

1. Vasturia Subdivision

L. RESIDENT'S COMMENTS: None.

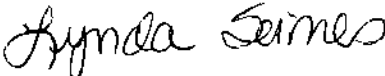
M. SUPERVISOR'S COMMENTS:

1. For the record, Supervisor Fox would like to express a concern that members of the Board of Supervisors seem to be trying to limit his constitutional rights of where he goes and what he does. Just two weeks ago, the other Board members were concerned about his social calendar, commenting that Supervisor Fox did not attend a banquet, and was therefore remiss in something he had done. Supervisor Fox has no intention of allowing this Board to tell him what he should or should not do with regard to things that have nothing to do with the Township. Chairman Bennett commented he did not interpret the statements made two weeks ago in the same way that Supervisor Fox did.

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

O. ADJOURNMENT: Upon motion by Supervisor Fox, seconded by Chairman Bennett, and carried unanimously, the April 24, 1995 Board of Supervisors meeting was adjourned at 9:15PM.

Respectfully submitted,



Lynda Seimes
Township Secretary