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HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED PUBLIC MEETING
Tuesday, May 24, 1994
7:30 PM

The meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr. at 7:35 PM 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, Twp. Solicitor's Office
Mike Rusak, Township Engineer
George C. Egly, Chief of Police

Chairman Bennett announced the regular meeting normally would have been held last night, May 23, 1994, but the Board attended a meeting with the Pennridge Wastewater Treatment Authority and postponed this meeting until this evening.

A. Action on the minutes of the April 25, 1994 Supervisors Meeting:

Supervisor Bennington said page 22, paragraph 2, should read: "Supervisor Bennington wished to make it perfectly clear that if the developer of Country Roads makes this same request for the third time, he will absolutely vote against it."

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the April 25, 1994 Board of Supervisors Meeting, as corrected.

Action on the minutes of the May 9, 1994 Worksession Meeting:

Motion was made by Supervisor Fox, seconded by Chairman Bennett, to approve the minutes of the May 9, 1994 Worksession Meeting, as written. Supervisor Bennington abstained from the vote because he was absent from that meeting.

B. APPROVAL OF CURRENT BILLING: Chairman Bennett presented two Bills Lists for the Board's approval this evening: The first is dated April 27, 1994, which contains a General Fund total of \$75,698.08 and with State Highway Aid of \$1,124.64 and Escrow Fund of \$431.43. Total of all funds is \$77,254.15.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List dated April 27, 1994, subject to audit.

The second Bills List is dated May 11, 1994, which contains a General Fund total of \$129,178.25 and State Highway Aid of \$8,242.41. Total of all funds is \$137,420.66.

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Chairman Bennett stated there is a major item on this Bills List, \$100,000.00 was a payment on the tax anticipation note to Union National Bank.

Supervisor Bennington questioned the Niessen, Dunlap and Pritchard bill as to whether or not there would be any more bills coming. Mr. Horrocks stated that NDP has been paid through the month of March. Currently, year-to-date, Township has paid \$9,295.00. The only thing that occurred in the month of April was a presentation to the Board of Supervisors at a public meeting. We have yet to receive a bill for that.

Mr. Fox questioned the Scottsdale Insurance bill for the Telford Authority deductible. The Board agreed the Hilltown Water and Sewer Authority was to pay all costs involving this case, Mr. Horrocks will present this bill to the Hilltown Authority for reimbursement to the Township.

There was a discussion regarding the bills because some of them have to be paid before they are approved because of discounts, etc.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington to approve the Bills List dated May 11, 1994, subject to audit.

C. TREASURER'S REPORT - Bruce G. Horrocks, Township Manager

Mr. Horrocks read the Treasurer's Report with the following balances as of May 20, 1994:

General Fund Checking	\$118,800.33
Payroll Checking	\$ 234.63
Fire Fund Checking	\$106,687.63
Debt Service Investment/Checking	\$176,430.02
State Highway Aid Checking	\$185,390.57
Escrow Fund Checking	\$198,916.44

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the treasurer's Report dated May 11, 1994, subject to audit.

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

E. **CONFIRMED APPOINTMENTS:**

1. Mr. Jack Hetherington - Hilltown Republican Alliance - For the record, Gentlemen, my name is Jack Hetherington. I am a resident of Hilltown Township, I live on Hilltown Pike. I'm here on behalf of the Hilltown Republican Alliance. It's an informal club of Republican Party members who grew out of the Hilltown Civic Association, in a sense. It's guiding purpose, we think, is for

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the betterment of the municipality that we all live in. I'm here tonight to ask this Board to consider revisiting a question that we all visited several years ago. And that is the issue of five supervisors on the Board as opposed to the present number of three. We can recall the history of municipal government in this Township. There were many achievements that we were proud of and, also, unfortunately dark moments, embarrassing incidents, and occasionally outright illegality in the past, not so distant past. I'm not laying out this summary and it's history for the purpose of looking to put responsibility or blame on this or any Board in the past. I'm here simply to bring up issues that I think we should address as we prepare for the future. None of us can avoid the future, what we can do is reflect on what has been, maybe appreciate and utilize what is but more importantly I think we have to prepare what will be. I'm here to ask the Board tonight to consider the future of Hilltown Township and prepare for it before it is thrust upon us as things were thrust upon us in the past. When the question was initially brought up, the size of the Board of Supervisors - three versus five. We remember there was resistance from the Board at that time. There was a flat out refusal to consider the question. The requisite number of residents signed the required petition and put the question on the ballot in any event. The defeat of the question some six or seven years ago, was in my opinion, more of a political reaction than it was the result of a reflected consideration of the question. The Hilltown Republican Alliance feels the time is right for Hilltown Township to revisit the matter. And that's really why I've come.. I'm not here to ask you to vote tonight nor am I here to demand a decision from the Board on the question. Rather, I'm asking you to place the matter of adding two supervisors to the Board on your Agenda. Keep it on your Agenda and open up a dialogue among the citizens of Hilltown Township on the pros and the cons of five supervisors. We can all, I am sure, petpoint to examples on both sides in neighboring municipalities and throughout Pennsylvania. I think, if we do that, however, we ought to do it for the purpose of giving us some guidance and a better insight into the benefits and pitfalls of five supervisors rather than as an answer to the question. You know that Hilltown Township is considered a second class township in the law. That is not a majoritive term. It simply means there has not yet been an official census which counts our population at 300 inhabitants per square mile. Maybe, we have 300 inhabitants per square mile. I don't know since the 1990 census. By law, we are required and we have three supervisors, three auditors, an assessor and a tax collector. We're entitled to have five supervisors under the law but it is a question, not for this Board, but for the voters. The question is either put on the ballot for the voters to approve or disapprove either by a resolution of the Board or a petition signed by 5% of the registered voters. I submit, that I think, that the Hilltown Republican Alliance feels there are still 5% of the electorate who

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will sign such a petition; but I am asking the Board on behalf of the Alliance for its cooperation to adopt a resolution on a unanimous vote. You can invite the citizens into this discussion by passing the resolution. Together, we can explore the issue unlike the last time where we fought over the issue. Hilltown can be prepared to meet its future and I think we will be prepared to meet our future if we give this question some consideration, serious consideration. This isn't something to heat up old battles, open old wounds, or be clouded in controversy in rhetoric. The last time should be a sufficient warning to us that the need for all of us to be heard and the decision made after a calm and deliberate reflection on our Township and its needs. As you know, the law charges your Board with a duty to properly manage and care and control the finances and affairs of the Township. Your guideposts in the statutes is the maintenance of peace, good government and the welfare of the Township. Its trade, commerce and manufacturing. The initial reaction to this question is usually what's it going to cost? That's the watchword of today's society when it comes to questions of government. I ask us to move beyond the cost because I think if we take a closer look at the actual cost of expanding the Board by two members, that is not a real issue. Did it cost us any less to maintain this municipality, its physical plant, its departments because we've kept three supervisors all these years. Did it cost us any less to police the Township because we went from one policeman department to now a thirteen man department. That was not something over which we had control. Those were needs which had to be addressed and were met by the Township. Similarly, to the question. We have a planning commission of seven members, a sewer and water authority of five members, we have a Zoning Hearing Board of three members, a Park and Recreation Board of seven members. Are those disinterested citizens or residents who are concerned for the common good of the Township. Is there among them two who might be appropriate to be elected to the position if we expanded the Board. There are many issues to this question. I am simply asking this Board tonight to take up the question, put it on your agenda, invite us to come back and discuss it with you and the other residents in the Township and then afterwards adopt a resolution. Again, I ask unanimously, to change the complexion of the last time. Put it on the ballot and let the voters decide.

I'll answer any questions you may have and I thank you for your time.

Chairman Bennett asked how many members are there in the Republican Alliance? Mr. Hetherington answered at the present time The Republican Alliance has about 40 members. It is not an open type membership where every registered Republican automatically becomes a member and is sent a bill for dues. Primarily, the members are people who have lived in the Township for a number of years and who

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have been active in the affairs of the Township for the betterment of all the residents.

Chairman Bennett questioned are you asking for a decision or a vote by a certain date? Mr. Hetherington answered I think the Board could appropriately set a time table. If you adopt the resolution there is an additional time frame for putting the question on the ballot. If you acted on this question between now and your July meeting there would be sufficient time to put it on for the General Election this year. If not, the Alliance is certainly not going to be disappointed if it goes into the following year because consideration is necessary. The last time this thing heated up among a lot of controversies. It's been on the burner, was put on the back burner, because of the various regional controversies that we've all had to deal with in our community since then. We think it is time to revisit the question, take a cold hard look. Eventually, the law is going to require us to go that way. I say, let's consider whether we should be prepared for it, then react to situations that are thrust on us.

Chairman Bennett asked why do you think the law is going to force it? Mr. Hetherington answered if we become a first class township, the size of all our municipal agencies and departments are going to expand.

Chairman Bennett said there is only one first class township in Bucks County and 54 municipalities. Mr. Hetherington replied that may be true today. But, there are a number of municipalities in the second class who have five members on the Board. Among them, and I think a good example, is New Britain Township which is just to the south of Hilltown Township.

Chairman Bennett stated there are 31 second class townships in Bucks County. All of them, let's call it the southern part of Bucks County have five supervisors with the exception of two - Southampton and Wrightstown. All of Upper Bucks municipalities have three supervisors with the exception of two - Springfield and Nockamixon have recently gone in the last couple of years to five supervisors because they are facing some significant growth problems.

Mr. Hetherington continued, this area of this County as everybody knows is the growth area. If we had two additional members on the Board for two additional opinions to be considered the Township needs would be better served. I'm asking you to consider the question and let the voters decide. They may well say we said it once, we'll say it again.

Chairman Bennett replied, we will. You are aware that there are about 1456 second class townships in the state of PA. There are

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only 111 out of 1400 that have five supervisors. Mr. Hetherington said, but none of them have failed because of it.

Supervisor Fox remarked that you stated that the law says if you have 300 per square mile - you don't automatically become that way.

Mr. Hetherington answered no, the Township would be given the opportunity to petition. As the law is presently written, however, the municipal code is not regularly changed as laws are not regularly changed; but it has been changed in the past. When townships of the second class were first created, supervisors positions were first created years ago it was primarily to work on the roads; so that the farmers could get their hay to the market. I dare say, you gentlemen do not wear coveralls in your position and you shouldn't.

Discussion continued between Mr. Hetherington and the Board regarding the consideration of the two man addition to the Board and what is happening in other communities regarding this issue. Chairman Bennett praised our present Township Manager.

Chairman Bennett mentioned one final point and that is cost. He maintained that we are trying to keep costs under control here. As you know we laid off administrative personnel last December, and our Manager, Police Chief, Director of Public Works, and remaining administrative personnel received no increases in salaries this year. We are operating with a part-time people, our Zoning Officer is part-time. We've done everything we can to cut costs and keep them there. I estimate it could cost at least another 1/2 of a tax mill, a tax mill is approximately \$35,000 now. Two more supervisors could cost you in the neighborhood of \$15,000 to \$20,000.

Mr. Hetherington said the law does provide for the supervisors in addition to the modest salary that set out statute depending on the population numbers to get benefits under the Health and Welfare Plan. It prohibits you from getting pension benefits unless you are also employed in another capacity. This is a legitimate question; and I think that if we get the information on what it costs us presently for the Board to share and participate in those programs, we can make an accurate assessment. I don't have those figures in front of me. It is not my intention to argue that your cost figures are in error. However, we all know that the salary in the Commonwealth is not why you're here.

Chairman Bennett stated for the benefit of newcomers that are here supervisors get a salary of \$2,600.00 a year. Each one of us. All right, Jack. We shall consider the matter. But, I, for one, am determined not to raise taxes one mill in this Township.

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Supervisor Bennington expressed we might want to take a look at what Jack's saying and have a list of pros and cons; and come up with a logical decision as to what's best for the Township. We're not just making a unilateral decision one way or the other.

2. Mr. Joe DelCiotto - Sketch Plan Submission - Mr. DelCiotto had presented a sketch plan to the Planning Commission; and said before he proceeds into engineering, there is a question that he would like to address before the Supervisors. He is proposing to develop the property of Mrs. Clela Pasquale. It sits on the corner of Highland and Diamond Streets. If you look at the overall picture there are four properties in a row. The one he has circled in red is Mrs. Pasquale's property. It is all zoned RR. The sketch plan shows how it eventually could be developed. One owner has agreed to this layout and allowing to deadend onto their street. We did not mention anything to them, but this odd piece on the side for the buffer, we would give to the adjoining property owners. We are showing a road ending in a cul-de-sac. This is the only lot we are going to develop. Now you can see the odd configuration, it has relation to the others but if you look at it individually it doesn't make sense. The curiosity for coming to you is a 500 ft. limit to the length of the cul-de-sac, and this plan exceeds that, which means you're going to need to waive that requirement. And, if you're so prone to do that we will proceed; if you're not, it stops here. The proposed length is 1,070 ft.

Supervisor Fox said this Board would like to see a more complete plan, before giving any recommendations of relief. You know the Planning Commission speaks differently than this Board. They must follow rules and regulations and 500 ft. cul-de-sac is the max that they will recommend on.

There was a discussion between the Board and Mr. DelCiotto regarding the zoning on this property. It was established that the property has public sewer and water; and also, the new Zoning Ordinance has not been advertised for hearing with this Board, therefore the new zoning regulations would not apply today.

Supervisor Bennington said that he is not receptive to giving a recommendation on a 1,000 foot cul-de-sac, until the Planning Commission has reviewed a formal plan.

Mr. Delciotto contended that before he goes into engineering expenses he wanted to hear from the Board of Supervisors whether you are opposed to it or not; then he will submit a preliminary plan to the Planning Commission. Supervisor Bennington was concerned that if the Board of Supervisors was receptive to your plan and found out after it was submitted to the Planning Commission that the picture looked different, i.e., many changes. That is why the Planning Commission asked for a more detailed

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mapping; a preliminary plan that we can look at that has all the facts and figures. Chairman Bennett stated he is not prepared to give Mr. Delciotto a yes or no on a 1,000 ft. cul-de-sac. Mr. Delciotto responded with O.K., fine. You are not committed either way - he has dealt with planning commissions for quite a few years, so it's no surprise.

Mr. DelCiotto said he didn't get any opposition from the Planning Commission but it was only a sketch plan; and they are not required to make any decision. I would have preferred if you or they were opposed; I need to hear that.

3. Ms. Barbara O'Reilly - Hilltown Horseways - Ms. O'Reilly was not present.

4. Mr. Ron McHose/Ms. Irene MacConnell - Lot Drainage - Mr. McHose asked, do you have a copy of the letter I was sent from the U. S. Agriculture Department, any comment on it? Chairman Bennett stated yes we have a copy and don't know what we can do about it. Mr. McHose related how about if we fix it, the way it should have been - not as deep, not as big as it is. According to this it was cut too deep. That's the problem, that's my biggest problem right there -it's cut too deep. The size I gave you gentlemen last month when I was here is incorrect, it's about 160 x 70 feet - about 11 ft. deep at the deepest point.

Mr. Rusak stated some points that the engineer's office would like to make regarding the letters that were sent to Mr. McHose and Ms. MacConnell. No. 1 - on Mr. McHose's letter dated May 3, 1994, the Soil Conservation Service comments on the current conditions of the basin as having poor cover, poor drainage, being saturated, and so forth. A little history on the planning and engineering design with the Township. From what we can find from our records the plan was reviewed in 1985-1986 under the previous Township Engineer, Cowan, and at that time the requirements were basic construction were different from those that are in the current ones today. Previous to that, as far as we know, all the basins that were constructed in the area prior to 1987 were primarily constructed in the same manner as the basin on the sub-division. That is they had a level bottom, swails to them were run at level grades, the design requirements for storm water control were much different, whereas they would be designed to control the 25 year storm at a 10 year storm release rate. As far as the basin was constructed, it was constructed in accordance with those requirements at the time. Secondly, regarding the soil types, the Soil Conservation Service points out that the soils from their research are Abbottstown silt loam which are poorly drained soil with seasonal high water table. We took a look at the soils map ourselves, and, in fact, determined that from what we can see that the soils are actually delineated as Doylestown soils which are a

hydric soil; which is even a more restrictive soil as far as a seasonal water table. In fact, it could be potentially a wetland area. On that basis, back in the 1980's there weren't the regulations which would have mandated wetland studies to determine if actually they were wetlands in the vicinity of these lots. Under today's standards, if there was a study done and it was determined that there were wetlands in the location, obviously, there would have been restrictions for many development of these properties. One thing which is a critical observation, regardless of whether it's Abbottstown or Doylestown soils, the soils that they are discussing here with the seasonably high water table are fairly common throughout the entire township. If, from my impression of the letter was, this is something that should have been taken in consideration at the time of planning or the development of this property. Something that should have been looked at before any homes were built. If any kind of restrictions are placed on the soils from development, you primarily would be restricting most of your development in the township. The way the soils are usually viewed, or usually viewed as indicators, if you have a soils that indicates that there is possibly a high water table; that is an indicator that you are likely going to use sump pumps for the construction of the home. Also, another point, the Soil Service recommended U-drains in the basin; and they pointed out in order to install the U-drains that the U-drain should be installed with the discharge at grade with the basin out-fault pipe. One of the engineering problems with this recommendation is the fact because the basin bottom has a level bottom, the U-drain cannot be properly installed as a subsurface drain within the basin. You basically would be running the pipe on top of the ground and it would not function correctly. Mr. McHose declared this is what Bob Wynn said years ago, "Maybe we should not have made it this deep". Maybe it would eliminate some of the problem if it were not that deep and it had more of a pitch. Mr. Rusak said as far as looking into any kind of modifications to the basin, obviously, the design aspects would have to be researched to determine actually the way it was designed or intended to be designed is oversized or not. Mr. McHose stated I don't care how big it is, that's the least of my worry. I stated that last month when I was here. All I want is to be able to use my backyard. I don't want bugs, smell, it smells like a sewer out there. I have public sewer and water, why should I be subject to this from now until September. I've asked for this since day one. Supervisor Fox explained the point is it was designed in accordance with regulations at the time. Mr. McHose said it may have been designed in accordance to; but isn't there always something subject to change. Mr. Wynn and others have been out there and looked at this and seen the problem and all they did was, we'll get back to you. Nobody is going to resolve it, am I right? I'm not allowed to fill it in, correct? Mr. Rusak said, that at this point, unless there is some sort of a study done to indicate that filling it in would

not have an adverse affect on the storm water control, the answer is no. Mr. McHose remarked the thing is that nobody seems to care about this water but me. Otherwise, someone here would do something, we'll come out, we'll help you. Nobody's helping me. They threw grass seed in, that was the cure. They put some burlap on top of it. They didn't sod it, they sodded the swail. Never put sod in the basin. That was not addressed properly. I said last time I was here, they stabilized the swail and the hell with the rest of it. Let the water lay in there, let him worry about it. That's not what I was promised. You guys wouldn't want it in your backyard. If it were grass, and it could be taken care of, and it didn't stink; I don't have a problem cutting it. I said this from day one, and I said this when I was here last month. That's not what I have. I've got a large garbage disposal, so to speak, sitting behind my house. Now if you want to declare it a wetlands, how do you go about doing that? That's going to be your cure, I think; unless, I go out and do something about it. I think this is what you are all telling me to do. Me fix the problem that developed here, in the Township, and is saddled on to me. Supervisor Bennett said it is private property which is part of the problem. Mr. McHose said, but sir, it wasn't private property when it was approved; and there was a problem from the time this development went in. I think you all know that. Supervisor Bennett replied I don't know it. How long ago was that? Mr. McHose answered 1987, Trim Development. Think back, you'll remember that name. There was a problem. This problem was not addressed completely; it was ignored, it was passed by, it was looked over. It's my problem, it shouldn't be my problem. I didn't buy the problem, I was told that this would be corrected, this would be taken care of properly. Supervisor Bennington asked by whom, Mr. McHose? Who told you that? Mr. McHose answered Bob Wynn. Supervisor Bennington remarked that Bob Wynn told you he would rectify a private property problem that you had on your deed when you bought the property. Mr. McHose declared that his deed does not specify there is a retention basin. Supervisor Bennington asked if that was a correct statement? Wouldn't a deed show what was approved by the Township on a specific lot that a builder has sold to a private individual? Supervisor Fox added that it would be on the plan. Mr. Grabowski said that there is a recorded plan in Doylestown, probably a recorded access easement or drainage easement that is probably recorded too. Mr. McHose remarked I think what is stated on the plan is there is an easement through my property. Supervisor Fox said and there is a retention basin, the problem here is the Township was not party to making any money, did not receive any open space from this development, got nothing from this development. The developer put in, according to the law and according to what he was supposed to do, by our subdivision and land development ordinance and our zoning ordinance. He came before us with the number of properties and got them approved by that which was approvable at the time; and Mr. Rusak told you the

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way they built retention basins and they were approved the way yours was built. You bought that property, that retention basin was there. The Township didn't say buy that property. The Township is not responsible except where the Township has caused a problem. The Township did not cause that problem; that problem was there from the day you moved in. Mr. McHose remarked no, it was there before I moved in; but I wasn't aware of it. Supervisor Fox replied it was there when they built the property. Your only recourse is to go back to the developer who built the property if you think you have any cause to collect anything from him to change it in some way. Mr. McHose questioned why wasn't I told this six years ago? He asked why did Mr. Wynn tell me to be patient. When I came before this Board, Mr. Bennett was there and we will address this problem. I got somebody to come out---it's flat, it needs better drainage, it's not your fault. Supervisor Fox stated no it is not our fault, it is your property, you bought it as is. Mr. McHose declared no, I didn't buy it as is - I was told by your engineer that it would be taken care of. Supervisor Fox said, Mr. McHose, the developer defaulted. The Township came in, took those monies he had in escrow and spent those monies to try and correct that situation. So the Township did put forth the effort.

Chairman Bennett asked did Ed Brzostek give you an alternative? Mr. McHose stated yes, he did. He said to fill the damn thing in and be done with it. I said they won't let me. Yes, the 3rd alternative was we could move. Chairman Bennett had asked Mr. Brzostek if there was any soil funds for that project. He qualified it as non-agricultural land. Mr. McHose showed the plans of both his and Ms. MacConnell's property. Chairman Bennett remarked that he gathered from what Ed Brzostek told me that you both had problems and that they are related; and he had some suggestions how to divert the water as well as some suggestions for the farmer (about the planting). I don't think we can give you any answers today; and I don't want to postpone you indefinitely, but we will take this thing under advisement and get back to you one way or the other as soon as we can.

Chairman Bennett called up Mrs. MacConnell, she started speaking with Mike Rusak with Wynn Associates. Mr. Rusak said that they researched her lot to some extent. Some observations that we made on your property and we're not exactly, from our office standpoint, familiar with the history of the actual construction of your lot as far as how it ended up in the manner it did today. One item that we want to point out is on the original plan of the subdivision, the only place there were grading requirements shown at the time were in the right of way and within easements for the basin. That's the only place that any proposed grades were shown. In the vicinity of where your home is located now, it is very evident and clearly depicted that there is a swail or drainage

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depression that goes through that side of the lot. Basically, whether at the direction of you or the decision of your builder, somewhere along the line the house location was moved from the left side to the right side into that little depressed area which is primarily the reason why you are getting that extensive flow coming down and around your foundation from the farm field. That is probably one of the primary reasons why you are experiencing problems now. Again, I don't know the history how that house location was moved from the left side to the right. That, from what we can tell, is primarily the major problem. That's the only observation that we can think of. Mrs. MacConnell stated her major problem is the water that is running off from the farm. I really wish Mr. Wynn was here to tell you what he was going to do - about putting a grate over the driveway so I can try to get out of the house. It's a little tough when you have to get in the car and drive your daughter out to the street so she can catch the bus. Mr. Bennett you do know this problem. I have letters going back to early 1988, Mr. Grunmeier and Mrs. Kelly. Chairman Bennett said he was only in the majority vote once in two years. As soon as I moved in I was running to Mr. Wynn; and he told me to talk to Mr. McMullen; Mr. McMullen would tell me, no, the Township told us we have to grade your land this way. It just kept on going back and forth like a big game. I have a picture of what looks like a lake in my back yard; and there are ducks in there for two weeks. The water was sitting there that long. They finally did come back to do a little bit of grading; they brought four truckloads of dirt and then the next morning took most of it away to put it somewhere else. They used our ground just to put their dirt somewhere. Chairman Bennett remarked that's one the reasons why we're so tough on these developers; and some of them are pretty straight, honest and nice guys. The Planning Commission is tough on them, we're tough on them because once they've completed the development their gone. So, we try to make them tow the line, but it doesn't always work. Ms. MacConnell stated that she would like to schedule another meeting, either here publicly or talk to somebody. Like I said, I would like Mr. Wynn there. This is about putting the grade in on the right-of-way, not on personal property.

Chairman Bennett said he will be in touch with Mr. Wynn tomorrow; and whenever he is free - my schedule is reasonably fluid. We'll come out and arrange to talk to you both at the time. I'll get the guy from ACS, if we think that that's very important he should be there as well. He believes if there are improvements made in that 10-acre farm it does affect your property. I don't know if it affects Mr. McHose's property. Chairman Bennett remarked that the gentlemen from ACS has some ideas how that could be changed around. Ms. MacConnell conveyed everytime it rains it's going to get worse. Once the little crevices open up and the river is running, it just gets bigger and bigger. The water is very muddy. Chairman Bennett declared there is quite a bit of land in Hilltown that has not been

turned over yet and today was the first day they started to turn over my land because it's been so wet. Ms. MacConnell said I would like to leave this copy with you. Chairman Bennett stated we will be in touch with you within the next couple of days.

Mr. Horrocks asked Chairman Bennett, that's on both issues, correct? Chairman Bennett said yes, after we talk to Mr. Wynn and see if we can set up a meeting. He asked both Mr. McHose and Ms. MacConnell when is it convenient to have a meeting? During the day, during the evening, Saturday or what? I don't want you necessarily to take off from work. Both Mr. McHose and Ms. MacConnell both replied and are pretty flexible. Chairman Bennett asked for their phone numbers so he can give them a call.

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

1. Mr. Horrocks advised the Board that he had a request from Carl and Joan Seidel of Fairhill Road in Hilltown Township requesting the use of their home as the fourth side of fence enclosure surrounding their swimming pool. We have a notarized letter from Carl and Joan Seidel stating they would not hold the Township harmful for any accidents associating with or involving the pool. Supervisor Bennington said this came up at the last meeting. Is this the house with an inground pool, Mr. Seidel? And it has three fences and the house is the forth fence with the door going out from the house to the pool? And you're providing a letter saying that the Township will not be held responsible in the event of an injury or death resulting from the 4th wall being the 4th side of the fence? And it is notarized, said Mr. Seidel.

Chairman Bennett asked does this mean anything, Frank? Solicitor Grabowski stated he hasn't seen the letter. It could be the greatest document in the world but until he hasn't seen it. I would suspect this is a policy decision needed to be made by the Board if it should be the prerogative of the Board to accept some form of a letter agreement. We would take a look at what's here; but that probably would be premature at this point until you make your decision. Chairman Bennett said it is essentially a hold harmless agreement. Supervisor Bennington stated the Planning Commission has also reviewed the Zoning Ordinance which is going to alleviate the loophole or change it somewhat from what it was previously. Supervisor Fox replied they will allow the use of one wall of the house as long as there aren't any doors or windows that connect to that swimming pool. In other words, if there is a part of the building, and they want to use that to connect their pool and there are no windows or doors for young children to go through. That will be permissible; but if we allow it to go on, I would rather see no walls or fences around swimming pools because the whole idea is to keep kids out. We aren't worried about neighbors using their pool, we are worried about young children. Again, I

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think that this Board ought to express to the Planning Commission before we finalize and send the Zoning Ordinance to the Board if you're going to give relief Mr. Seidel. What if it is a visiting child. They're not obligated to Mr. Seidel's letter holding the Township harmless. The whole idea is to save children not to cause extra expense to people who want to put pools in. I would suggest if the Board wishes to continue this; and I did have a copy from the newspaper of some child that just drowned up in Allentown or somewhere in that general area that I got out of the Morning Call who went through a door because one of the walls was done and the four year old child drowned. Let's not play games and use it as a political ploy to say, hey, we are going to give these guys something. All they have to do is come to us and we will let them get away. The whole idea was to save children; and if we are going to let it go let's remove it and save these people from having a fence unless they want to put one around it; because we're talking about \$1800 to \$2000 to put a fence up. Do you know, Mr. Seidel, what it costs to put a fence up? Mr. Seidel answered close to a \$1000. Supervisor Fox came back with we could save them that money. Chairman Bennett stated when this came up a few years ago, we had the room full of people protesting this fence business. There were people talking about fence costs as high as \$20,000. I remember one at \$6,000. The people were outraged at that time. Supervisor Fox declared why doesn't this Board tell the Planning Commission they will send it back if it comes to them with fences around swimming pools. The whole idea is to save young children ages 4-5 and under. The statistics were, last time when you weren't here, were 93% of those children that drowned under four either live in the house or are visiting the house. Mr. Seidel can't hold the Township harmless for those other people.

There was discussion between Chairman Bennett and Supervisor Bennington expressing their resentment of the implication that it was a "political ploy" and Supervisor Fox said he thought it was.

Chairman Bennett said I think we've discussed this enough. I think you've got our recommendation for the Planning Commission. Supervisor Bennington made a motion to allow the house as the fourth side to Mr. Seidel's fence with the statement provided by Mr. Seidel holding the Township harmless. Supervisor Fox questioned can Mr. Seidel hold any visitor harmless against the Township that may have lost a child. Mr. Grabowski said it depends how much insurance Mr. Seidel or any home owner covering the situation. Supervisor Bennington said that he wanted to make sure the papers understood that he's not against protecting and saving children's lives by this motion. Please understand what I'm saying. I do agree with you in that regard; but I just think the semantics here with the lock on his door makes it no different from the lock on the fourth side of the fence. I don't see the correlation, that's why I make the motion. Chairman Bennett

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seconded the motion, Supervisor Fox expressed his vote as nay.

Supervisor Bennington said that he doesn't want the Planning Commission to think that he am opposed to those fences and take that out of the Zoning Ordinance. I'm not going that far to say that I don't want fences around pools.

Chairman Bennett said in addition to everything else that has been said about pools, I'm fed up with over-regulation of our lives from the Federal, State, and now the Township level.

2. Mr. Horrocks presented six (6) escrow releases for the Board's approval this evening, two of which County Line Shopping Center and Deerfield Sub-Division are cash held by the Township; the others are all letters of credit:

Four Letters of Credit	\$3,382.00
Two Cash (held by Twp.)	\$1,898.00

Motion was made by Supervisor Bennington to release the escrow items as listed on the Bob Wynn letter dated May 20th, 1994, including the two cash disbursements held by the Township, seconded by Supervisor Fox, and carried unanimously to authorize the release of the above named escrow releases.

3. For the Board's information, we are now in day 32 of the Bucks County Planning Commission reviewing the new proposed Zoning Ordinance and we still have another 13 days to go on their time table. The Township has received back from the Solicitor's office their review of the Zoning Ordinance. It was addressed to the Board through myself; and we would like Board approval to forward it along to the Planning Commission.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to forward the Solicitor's opinion letter on the revised Zoning Ordinance to the Hilltown Township Planning Commission.

4. Mr. Horrocks is seeking the Board's approval to advertise for two Ordinances at our second meeting in the month of June. Those two Ordinances at this time are at least 94% complete. They deal with:

- a. Updating the Soliciting Ordinance to a more modern Transient Retail Business Ordinance.
- b. Establishing a Park and Recreational Facilities Rules and Regulations Ordinance.

Motion was made by Supervisor Bennington, seconded by Supervisor

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Fox, and carried unanimously to advertise these two Ordinances for adoption at the second meeting in the month of June.

5. Mr. Horrocks is seeking the Board's approval to advertise three bids for Public Works Department's Proposal 94-3 would be for asphalt both wearing and binder. This is not pre-specific area of the township, this is the requirement of patching and repair during the course of the year. Proposal 94-4 would be for aggregate which is all of the stone requirements the Township would have during the year. Proposal 94-5 would be for bituminous seal coat which is commonly called tar and chip.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to advertise these three bids for the Public Works Department.

6. Mr. Horrocks attended approximately 3-4 meetings at Perkasio Borough with other municipalities within the Pennridge School District dealing with earned income tax and the collector of that tax. The school had advertised for bids this year looking for a less expensive tax collection agency. There were only two (2) bids received by the school district. One from Berkheimer and one from a firm located in the Pittsburgh area. The firm out of Pittsburgh did, in fact, come in at a lower commission rate. However, they tied a "big carat" to this bid which was all eight municipalities and the school had to go together to receive the low rate. Previous to the last meeting I attended, one of the municipalities had already re-signed a contract with Berkheimer, so the lower rate was unavailable for everyone. At this moment, there are two contracts Berkheimer is offering to Hilltown Township, one is a 3-year contract with a collection fee of 2.55% commission. The other is a 10-year agreement which does offer the Township availability of getting out of that 10-year agreement on a 90-day notice. This agreement, in my opinion, is far better for the Township. After two years there is a base collection established, 110% of collections for the first two years. As EIT continues to increase year after year because of the increase in salaries and new residents; those additional funds over that 110% base amount, rather than coming in at the 2.5% commission which is already .5% better, starts at 1.6% and in year 10 winds up at .8%. The bottom line result of all this is that through this process, at the very least, Hilltown Township will be able to save somewhere between \$3,000 and \$6,000 a year in commission fees. It would be my recommendation to this Board to pursue the 10-year agreement with Berkheimer.

Supervisor Fox questioned and discussed with Mr. Horrocks the figures and timespan of this 10-year agreement from Berkheimer. If the Board is concerned about a 10-year contract, perhaps the Solicitor's office could review this contract and assure the Board

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of how easy it would be for the Township to get out of this. Supervisor Bennington asked if the commission would be 2.55% whether you go with a 3-year or a 10-year contract. Mr. Horrocks stated the 2.55% is for the 3-year contract only, if you go with the 10-year contract, regardless of your 110% base after year 2, you pay 2.5%. Chairman Bennett recommended the solicitor review the contract, are there any time limits on when you have to sign it? Mr. Horrocks answered no, there are no time limits at all. Chairman Bennett expressed that he is inclined to go with the recommendation for the 10-year contract, but still thinks it would be a good idea to have our solicitor look at it. Both the Supervisors agreed with this. Mr. Horrocks replied he will forward the agreement to the Solicitor's office.

7. Mr. Horrocks is seeking the Board's permission to enter into another agreement with the Community Map Company of Pottstown, PA. This agreement states that they will produce, as they did before, a community map of Hilltown Township. They will work with us to determine verbiage to place on the map. They will solicit from local companies, advertisements which cover the cost of the map. The only catch is that Hilltown Township agrees to mail the maps to the residents when we receive them. I would recommend that the Board authorize the ordering of community maps, currently the Township is completely out of inventory. Chairman Bennett said if we ordered 5,000, stamped \$.29, it will cost us \$1400-\$1500? Mr. Horrocks replied that's correct, but we don't guarantee to Community Map that we mail out first class. If we mail out bulk rate we will be spending somewhere between \$500 and \$700. Chairman Bennett said he thought we ought to go ahead with it. It will be six months before they have it ready, based on my experience. Mr. Horrocks said that he will look at the numbers that were ordered previously as to what we thought the requirement was and increase upon that number.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to enter into a contract with the Community Map Company of Pottstown, PA to order community maps for Hilltown Township.

7. Mr. Horrocks stated that the period has expired on receiving applications for Secretary in the Administration Department. We have received 27 applications and as of this moment he intends in the next week to accomplish up to 11 interviews; and will be returning a recommendation to the Board on this position.

G. CORRESPONDENCE - Mr. Bruce G. Horrocks

1. Mr. Horrocks said there has been ongoing difficulty that the Telford Borough Authority has been having with Site Development, the owner of the Souderton Square Shopping Center

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dealing with grease traps. The Telford Borough Authority has sent correspondence to all parties including the owner and the stores and copied Hilltown Township. TBA has not had much success trying to accomplish a solution to this grease trap problem. TBA has given them 15 days notice of their water being turned off until a correction to the problem is resolved.

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

1. Solicitor Grabowski presented a Sewage Treatment and Maintenance Agreement for small flow treatment facilities for lots #1 and Lot #2 of the Shannon Subdivision on Rickert Road. Also, a Drainage Easement Agreement for acceptance and Resolution #94-20, which is a road frontage easement.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **adopt for the Shannon Subdivision, Resolution #94-20, and a drainage easement as well as a maintenance Easement for a small flow treatment plant.**

2. Dan Shannon asked about a resolution approving the planning module to be forwarded to PaDER.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **adopt Resolution 94-21 for plan revision for new land development and send to DER pending review by the Township Engineer.**

I. PLANNING - Mr. Mike Rusak, Township Engineer -

1. Derstine Land Development - Mr. Mike Rusak was in attendance to present the plan. The project is located on Schoolhouse Road, southside just east of Bethlehem Pike. The Planning Commission has recommended approval of the revised plan. Primarily, the change that has occurred to the plan, which again is not shown on this one but is very simple. They have now proposed to serve the site which is to have a 6,200+ square foot warehouse facility located on it. To serve that site with holding tanks which will be located in the front yard in the vicinity adjacent to the southside entrance. The Planning Commission has announced they approved this plan being revised. The final plan for this site additional on the same items as before except that the original two story brick dwelling which was to be residential is now going to be a commercial office as part of that facility. In addition to that requirement, the original requirements remain unchanged as far as proposed, Public Water Service must be approved before that must be received in writing from the Telford Borough Authority. Escrow agreement between the developer and Township, to guarantee installation or public improvements. Schoolhouse Road

right-a-way dedicated to Hilltown. Regarding the improvements, the recommendation was that an agreement be executed through the Township and a developer to provide for future design installation of cartway widening and curving along the front of property, if and when deemed necessary by the Township. This would be the final approval for the revised part of the plan which now includes the proposed holding tanks in the front of the property and the dwelling would no longer be residential.

Supervisor Fox stated what we originally wanted to do in this change was to keep the house with the apartments, change part of the house into an office and then have a warehouse connected to it. And that is not as we remember it, it was when he built that warehouse it would change over to Industrial Zoning and the property is more than 150 ft. from the sewage line. It comes across the road and behind those buildings so that he cannot now be forced to connect into the Telford line and businesses that use less than 500 gallons a day can use holding tanks.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **approve the revised final plan for the Derstine Land Development including conditions set forth by the Planning Commission and Bob Wynn.**

J. **Engineering - Mike Rusak, Township Engineer**

1. **Garges Land Development** - This involves acceptance of the maintenance period for public improvements. The primary item that required correction was erosion in the swail. They have addressed that by primarily lining the swail with wrip-wrap and that has satisfactorily stabilized the condition; and therefore, we recommend the Board accept completion of the maintenance period pursuant to the land development and security agreements.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **accept the maintenance period for the Garges Land Development.**

2. **Elysian Fields Subdivision** - There is concern that has come up by the developer in correspondence dated May 10, 1994 in regards to acquirement by the developer to acquire temporary construction easements for the installation of improvements consisting of curb and widening along Orchard Road up to the intersection with Pleasant Springs of the Pleasant Meadows Subdivision.

Supervisor Bennington made a motion to **direct Bob Wynn to go out and talk to the 11 people affected by the construction easement to discuss the issue with them and report back before I go the next step, if there is, in fact, a second step.** Supervisor Fox seconded

the motion **as long as they know it is just a temporary easement** to get around the other side. They will not be losing their own land. I think we can convince them. The motion was carried unanimously.

c. County Line Shopping Center - The Township has received a correspondence from Cowan Associates regarding a problem with the monumentation on the property. They way this occurs, in the process of the surveyor's preparing the set monuments they discovered there was a closure error in the property boundary of the entire shopping center. Rather than installing those monuments for a small portion of Blockbuster Video and certifying those, it was brought to the attention of the Township there was a closure problem. Clarification from Cowan Associates is that the closure problem is in the back of the property and not along the right-a-way. Never-the-less nobody is going to certify anything until the actual closure is resolved. At this point what they had recommended was that they not be required, at this time, to install the monumentation until they do Phase II of the shopping center. The question comes into being, what if Phase II never occurs or when will it occur? At this point, there is no guarantee on that time frame. As a second suggestion, the escrow funds be required to be retained and held until the end of the 18-month maintenance period when that time occurs to guarantee that will be resolved by that time. The recommendation stands, as such, that when they do request acceptance of the improvements and the improvements are accepted that a condition be attached to that acceptance that the monumentation would be resolved prior to the end of that maintenance period.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **allow the County Line Shopping Center to install the monuments during the 18-month maintenance period and not later than the end of the 18-month maintenance period.**

4. Stoneycrest Subdivision - At this time the curbs, sidewalks, street tree replacements that were required under the required punch list has been inspected and determined to be satisfactory. A recommendation is to accept completion of the maintenance period on a condition that any outstanding bills incurred by the Township for the inspection of those improvements be paid by the developer.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **accept the completion of the maintenance period of Stoneycrest Subdivision contingent upon any outstanding bills incurred by the Township for the inspection of these improvements be paid by the developer.**

K. Resident's Comments

1. Mr. Dave Bradley, I was here last month in reference to the dog scenario in the Hilltown Parks. I was curious to know what the Supervisors did over the last month to rectify the situation, or what they found now that the term of citation has been expired. Are we going to continue to make sure that this previous or last bite goes down as the first one of many on the dangerous dog or is it going to be dropped like the last time when my wife was bit. Technically, if the dog is out of the area, it still has to be recorded as a dangerous dog bite regardless of where the dog is.

Chief Egly stated that the fine was paid, he was cited; he was not warned. The agreement was between the officer and the police department that the dog was not returned to this area.

Mr. Bradley asked if he could ask the Supervisors if they feel what we should do in this case? I could care less about the civil side of it. I want to protect my kid when he goes to the park from getting bit by either that dog or another dog; or, if he does get bit and another person gets bit that the third person will not get bit.

Mr. Horrocks remarked that in the issue of another dog, the ordinance that I've requested the Board tonight to advertise for on park regulations will require every dog to be on an 8 ft. leash. That puts, if the ordinance is adopted by this Board, a \$600 fine at the hands of the police officers whenever they see a person with a loose dog at every park.

There was a discussion between Mr. Bradley and the Board regarding the incident and other incidents concerning this "dangerous dog". It was said that the citation did not list the dog as a dangerous dog. Mr. Bradley asked are we going to have any laws or have support for the Township people that are getting bitten by dogs that are running loose? How are we going to control these dogs? If the police department has taken upon themselves to not go according to the dangerous dog once the dog has bit and give them more than the two they are allowed. Is that your support? Supervisor Fox stated that tonight we voted on a park ordinance that requires anyone to go into that park or any dog to have a leash of 8 ft.; and therefore, we have the law, the ordinance to protect that park.

There was a continued discussion between Mr. Bradley with the Board, the Solicitor, the Chief of Police regarding the police of Hilltown Township and the laws of the Commonwealth and Hilltown Township, concerning the dangerous dog incident.

RESIDENT'S COMMENTS:

2. Ms. Elyse Walker of Blooming Glen Road presented a petition which includes 190 signatures to the Board of Supervisors. The petition was previously presented to the Zoning Hearing Board at their hearing on May 19, 1994 and addresses the history of Carson Helicopters. Ms. Walker wished to advise the Board of the troublesome company they have been throughout the years. Ms. Walker also presented a list of concerns that both the neighboring residents and the part owners of the Deep Run Valley Sports Association are especially interested in. These particular concerns were not addressed at the Zoning Hearing Board meeting of May 19, 1994, at least not to their satisfaction. Ms. Walker commented the residents of this Township are concerned about their water, their wells, and of course, where waste materials from the Carson Helicopter site are going. Mr. Carson claims he employs 150 workers, however Ms. Walker does not know what sort of bathroom facilities are available to those employees.

The petition further addresses whether or not hazardous materials from Carson Helicopters is entering the underground water supply. Ms. Walker knows that the Department of Labor can be contacted, through the "Right to Know Act", which is Pennsylvania Law #734159. The Right to Know Act means the residents of this community and the employees of Carson Helicopter have the right to know what sort of hazardous substance Mr. Carson is using. Personally, Ms. Walker is interested in knowing where Mr. Carson's stormwater run-off is located.

Also, the neighboring residents are still concerned about levels of noise pollution and wish to know the decibel reading. Ms. Walker asked Mr. Horrocks, Township Manager, to see if the Township had a decibel meter to utilize. Mr. Horrocks replied the Township does not have a decibel meter at present. If the Supervisors would ever recommended that decibel readings be recorded, Mr. Horrocks would request the expert of a company dealing with that.

Ms. Walker presented information by the Department of Environmental Protection Agency, regarding the effects of noise pollution and it's physical effects on our health. It is noted that at 85 decibels, a reaction can begin, causing anything from high blood pressure to heart attacks.

Included with the petition is a listing of several events that occurred through the years with regards to the Carson Helicopter site, to which Ms. Walker has attached copies of corresponding newspaper articles, dated as far back as 1972.

Supervisor Bennington asked if a decision on the Carson Helicopter hearing has been rendered and Mr. Horrocks replied that it has.

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Ms. Walker understands that the Board of Supervisors appoint the members of the Zoning Hearing Board. Ms. Walker has attended many Township meetings, and for many years, her brother, Vince Pischl, was a Township Supervisor, yet she has never seen such deplorable conduct on the part of the Zoning Hearing Board in this issue. Ms. Walker stated decent, law-abiding citizens with legitimate concerns, who, upon presenting them, were interrogated like criminals. Ms. Walker is especially concerned about the conduct of Mr. John Snyder, because she feels the type of badgering Mr. Snyder gave some residents at that hearing would not have been allowed in a court of law. Ms. Walker believes Mr. Snyder has evidently forgotten that he is a public servant. Ms. Walker found members of the Zoning Hearing Board to be rude and unprofessional, and further added that their smirks and lack of attention when certain residents asked questions or gave testimony, was uncalled for.

Ms. Walker stated she will encourage residents of this Township to promote the movement for five Supervisors. Chairman Bennett asked how that will change appointments to any of the Boards. Ms. Walker feels there are just too many officials that want to control everything, and believes Township residents would get a better response from our elected officials if there were more Supervisors available to do so. Chairman Bennett asked if Ms. Walker is referring to one particular hearing of the Zoning Hearing Board or to multiple hearings. Ms. Walker has heard a great deal of comments throughout the community concerning past hearings where residents have been intimidated. Ms. Walker feels that when her brother was a Supervisor, the Board appeared to show more respect for the citizens of this Township. Ms. Walker suggested the Board of Supervisors work to improve their image.

3. Mr. John Snyder, chairman of the Zoning Hearing Board, felt it only appropriate to respond to Ms. Walker's comments. Mr. Snyder stated Mr. Horrocks was present for the entire hearing concerning Carson Helicopter, and Supervisor Fox was present for a majority of that hearing. Mr. Snyder advised every citizen present that evening had the opportunity to ask questions, however it appeared that some of them wanted to "go off on a tangent without asking a question". Mr. Snyder then felt it was his responsibility to request that the residents present their testimony or ask their question, in a timely manner. Mr. Snyder does not believe that during the time testimony and questioning took place, the Zoning Hearing Board ever ceased to hear questions or comments from those in the attendance. At the beginning of the hearing, every resident present was made aware that the hearing would proceed in a specific manner. To this, Mr. Snyder believes both Supervisor Fox and Mr. Horrocks can attest to. When it came time for questions, Mr. Snyder advised he again cautioned those in attendance that it would be time for questions only.

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From rumors he heard prior to the hearing, Mr. Snyder believes that the majority of residents who attended were present for one purpose, and that was to shut Mr. Carson down. As Mr. Snyder explained to those in attendance, there were only two items on the agenda that evening, which included the test cell Mr. Carson had proposed and for construction of a storage building. At the hearing, Mr. Carson gave his statement as to what he was proposing, and residents had the opportunity to ask technical questions of the applicant and his representatives.

Decibel readings were mentioned earlier by Ms. Walker. Mr. Snyder stated that the Hilltown Township Zoning Ordinance can not really address issues concerning aircraft, because that is subject to requirements of the FAA. Mr. Snyder cited the issue of the Van Sant Airport, located in Upper Bucks County, which experienced difficulties due to violations of the noise ordinance, however since they conformed to FAA standards, the matter was concluded.

Mr. Snyder feels he was fair during the hearing for Carson Helicopters, allowing any interested party to ask questions and give testimony. Mr. Snyder commented issues presented at that hearing concerning noise levels and disposal of waste is totally out of the jurisdiction of the Zoning Hearing Board. Mr. Snyder knows that may have upset some people, however the Zoning Hearing Board was required to address what was included on that appeal application, and nothing more. Mr. Snyder explained Mr. Carson's two requests were granted by the Zoning Hearing Board, with some very stringent stipulations and limitations. The Township, since Mr. Carson has been operating at the site, has never enforced any zoning as far as expansion of the site. Whatever Mr. Carson does now with these two buildings meets the maximum expansion he will ever get on the two properties he owns.

The test cell, which was previously conducted outdoors, did create a noise problem. Mr. Snyder stated the noise level will be reduced, according to Mr. Carson by as much as 25%, simply by construction of the building. This would place the test cell within a building, reducing the noise, and thereby making an improvement in the neighborhood. In addition, Mr. Carson can no longer conduct outside testing, he can only do testing of his own helicopter engines or the engines he rebuilds. With regards to the storage building, Mr. Snyder noted no outside storage will be permitted once it is constructed, which will "clean up" the site and making it more presentable. Mr. Snyder advised Mr. Carson must comply with all the zoning requirements, building permit requirements, and miscellaneous items including environmental issues and FAA requirements.

Mr. Snyder noted the Carson Helicopter hearing began at 7:05PM, and a decision was finally rendered near midnight. There were an

estimated 50 residents in attendance at the start of the meeting, with approximately 35 remaining at the completion of the hearing. Mr. Snyder advised, of the 190 residents who signed Ms. Walker's petition, only approximately 12 of them attended the hearing. Mr. Snyder stated that many of the people who signed the petition are not Hilltown residents, but are from neighboring municipalities who have utilized the Deep Run Sports Association at one time or another. Mr. Snyder further noted that Mr. Carson publicly stated he will instruct his pilots to cease flights over the Deep Run Sports Association.

Ms. Walker wished to make a correction to Mr. Snyder's statement in that the people at the Deep Run Valley Sports Association are actually part owners of that property. When they become members, they automatically become part owners of that land, and they are concerned about the future and the children who utilize the field, because of the hazardous operation taking place on the Carson site. While at the Deep Run site, Ms. Walker was witness to a helicopter actually malfunctioning and landing in the middle of the field while children were there. Ms. Walker believes the more the Township increases Mr. Carson's business, the more hazardous it is to the community. Ms. Walker also feels Mr. Carson's business has already devalued the property of approximately 120 homes. Ms. Walker feels that the Pennridge School District has ruined this area because of their high taxes, etc., and now with Carson Helicopters growing the way it is, Ms. Walker believes this will all contribute to people not wanting to move into Hilltown Township. If the Supervisors continue to allow Mr. Carson's site to grow, Ms. Walker believes they will ruin this Township. Ms. Walker stated every resident of this Township is affected by Carson Helicopter's expansion. Regarding the noise levels, it seems ridiculous to Ms. Walker that Mr. Carson would spend such a great deal of money to construct a huge building just to house a test cell, when it would be more effective to move his test cell operation some where else. Ms. Walker thinks Mr. Carson has plans to do something else in that building. As the elected officials of Hilltown Township, Ms. Walker feels they have literally ruined Hilltown, and stated her property values are not where they should be.

Supervisor Bennington disagreed with Ms. Walker's statement that people are not moving into Hilltown Township, however every new development that is constructed, such as Sterling Knoll, Deerfield, etc., are basically sold out. Supervisor Bennington commented he has not done anything to "ruin" this Township, and believes in the five years that he has been a Supervisor, he has taken the Township from the depths of where it was before he was elected, making it a great deal better. Further, Supervisor Bennington advised the Zoning Hearing Board is a separate organization from the Board of Supervisors, and their decisions can not be influenced by the Board

of Supervisors. The only connection is that the Board of Supervisors actually appoint those members to the Zoning Hearing Board. The Supervisors can not affect the Zoning Hearing Board's decision making process.

Chairman Bennett does not believe any of the three Supervisors on the dias this evening have ever been called "rude" or are considered rude. Perhaps, Chairman Bennett commented, he made an unfortunate remark earlier this evening, out of frustration, when he said "run" with regards to the dog issue. As Ms. Walker knows, the Supervisors allow five minutes to speak, and Mr. Bradley spoke for 30 minutes. No one seemed to be able to satisfy Mr. Bradley, including the Solicitor, the Police Chief or the Supervisors. Finally, Chairman Bennett explained, the Board gets frustrated because there is no answer. That is why, Ms. Walker commented, the Township needs extra Supervisors because the present Board is becoming overwhelmed with the work that needs to be done. With a five member board, Ms. Walker believes the Supervisors would not become so short-tempered and things can get done. Chairman Bennett stated the Supervisors do their best. Ms. Walker remarked the Supervisors are our government, elected by the residents of the Township, and the residents concerns must be addressed. Ms. Walker feels the present Board of Supervisors need assistance, and that is why she will promote a five member Board of Supervisors.

Supervisor Bennington commented the Township does not experience a "ground swell" of volunteers applying for vacant positions on any board, including Park and Recreation, Zoning Hearing Board, and the Planning Commission. There are not many residents who want to give of their time because every one is busy. The other two Supervisors on this Board happen to be retired, however Supervisor Bennington himself is not, and he works sixty hours a week, yet still fills this position. If Ms. Walker can encourage residents to apply for Board vacancies, Supervisor Bennington would certainly appreciate it.

Supervisor Fox asked Mr. Snyder if he feels the Zoning Hearing Board's decision followed the law. Mr. Snyder replied the Zoning Hearing Board had no record of when the buildings on the Carson Helicopter site were constructed, other than what Mr. Carson testified to. Supervisor Fox asked if the Zoning Hearing Board followed those ordinances that existed when Mr. Carson constructed his first building. Mr. Snyder believes that the Zoning Hearing Board did follow the law.

4. Mr. John Asaparti of 2417 Diamond Street expressed concern about the roadways in Hilltown Township following such a severe winter. Mr. Asaparti must veer left and right in order to avoid hitting potholes on his street. Mr. Asaparti is aware that Diamond Street is a State Road. He has contacted Representative

Greenwood's office, as well as PennDot offices concerning not only Diamond Street, but Callowhill Road and Hilltown Pike as well. In the Township's defense, Mr. Asaparti stated most of the roads he is complaining about are State roads and are not maintained by the Township. Chairman Bennett explained Hilltown Township contains approximately 150 miles of roads, which is just about evenly split with 75 miles of Township roads and 75 miles of State roads. Chairman Bennett feels Township roads are in very good condition, considering the winter that has just passed. The State roads, however are a problem. As recently as yesterday, Chairman Bennett asked the Director of Public Works to place some fill into a very dangerous pothole on Diamond Street, which is a State road. The Township makes these types of repairs occasionally, even though the Township does not get compensated for it.

Mr. Horrocks recently surveyed the State roadways in Hilltown Township with the Bucks County Maintenance Manager from PennDot, and the two working supervisors for the two crews that split Hilltown Township. During that tour which took place one week ago, Mr. Horrocks was told that PennDot will be working in Hilltown Township in approximately three weeks. Mr. Horrocks does not expect to see PennDot working in the Township for probably another two weeks, maybe more. Mr. Horrocks does not wish to defend PennDot, however he commented Township roads took a terrible beating this past winter. There are a few Township roads that are not good, but we are attempting to deal with it. Mr. Horrocks was informed that PennDot has certain lower county municipalities that they have not even visited yet. Mr. Horrocks noted he and representatives of PennDot traveled the State roads during this joint inspection, and they actually hit a pothole on Church Road which could not be avoided. Concerning Diamond Street from Fairhill Road all the way up into Sellersville, Mr. Horrocks noted it will be completely contracted resurfaced this year.

Mr. Asaparti just wanted to make the Board aware of the problems with State roads. Mr. Horrocks noted Hilltown Township has the opportunity to take over the maintenance of State roads. Mr. Asaparti replied that suggestion would get his vote. Mr. Horrocks explained it would take a larger budget because more employees would have to be hired and more trucks would have to be purchased.

5. Mr. Randy Ziegler of 305 Callowhill Road lives directly above the school where the huge potholes are located. Officer Englehart was at Mr. Ziegler's home this past Sunday, when he heard a vehicle lock up it's brakes and skid. Officer Englehart investigated and found the driver had skidded in order to miss the pothole. There was an accident in front of Mr. Ziegler's home this past Friday due to the potholes. Mr. Ziegler is especially concerned about the potholes because of the school bus traffic traveling that road.

On a different matter, Mr. Ziegler asked if the State has a leash law. Mr. Ziegler leashes his dog, and he understands there is a leash law that prohibits dogs running free. Chief Egly advised the law states animals must be under control, but it does not specifically address a leash. Also, Supervisor Fox commented dogs should not be allowed to leave their own property. Mr. Ziegler explained the reason Officer Englehart was at his home was because they have been experiencing problems with dogs running free, and attacking his dog that is on a leash. Mr. Ziegler's wife is afraid to do yard work because of the constant presence of dogs running loose in his neighborhood.

Solicitor Grabowski cited the Confinement Provision of the dog law which states "It shall be unlawful for the owner or keeper of any dog, to fail to keep, at all times, such dog either (1) confined within the premises of the owner; (2) firmly secured by means of a collar and chain, or other device, so that it can not stray beyond the premises on which it is secured; or (3) under the reasonable control of some person, or when engaged in lawful hunting, exhibition, or field training." Solicitor Grabowski stated the problem is that you can not be sure how a District Justice will interpret the law.

6. Township Manager, Bruce Horrocks stated, just for the record, I did attend the Carson Helicopter Zoning Hearing. I did speak to the Zoning Hearing Board because I wanted to comment one item for their record. There were a lot of residents, there were a lot of complaints that did appear to me personally that they wanted to close that operation down which was not the issue at hand. I stated to the Zoning Hearing Board that since I've been here, August 5, 1991, my office has never taken one telephone call in complaint of Carson Helicopters. The issue became a little emotional and intense; but that Zoning Hearing Board, in my opinion, opened up so wide to listen to the issues that people wanted to talk about. In my opinion, again, it had nothing to do with the issue at hand but they allowed that discussion.

L. Supervisor's Comments

1. Supervisor Bennington wanted to be on the record on this dog issue as saying as much as I disliked the way Mr. Bradley went on, and on, and on. I happened to agree with Mr. Bradley in the area of dogs. George and I have gone around and around on this issue numerous times whether or not the officer made an incorrect citation in this case. That is not my decision to make at this point in time. That was his decision on the street. I can't rectify or change the citation as written. I can't make a police officer change the citation that was written. Although, I happen to believe that it should have been written another way. I really believe that the people of this Township who are going to be using

that civic association field, including myself, including probably all the other supervisors and their families, have got to be protected from what is obviously a dangerous situation. As long as the police force has been alerted of that fact, then we should not be allowing certain situations to occur in the future. Mr. Bradley as a resident, even though he got carried away, has some valid points there, George. He has the right to go to the District Judge himself as Mr. Grabowski said. Still the confinement of a dog as opposed to a dangerous dog situation is why this happened to get out of hand in this case.

The other issue I want to address is the respect issue that Vince's sister brought up. I tend to take offense at that, the more I think about it because the way this Board operated before we came on here was a very disrespectful way to the residents of this Township. Since this Board has been in place, the three members of this Board, we have treated people who have gotten very angry at us very respectful. A few cases we have lost control, but it's been because we have sat here for three and four hours and listened to the same arguments over and over again. You get a little frustrated. The question of three or five supervisors doesn't hinge on Zoning Hearing Board decisions, it hinges on pros and cons that have to be decided by us to decide whether or not it is useful for this Township to go to five supervisors. Just because the Zoning Hearing Board decision didn't go their way, and because they don't think that certain people have been appointed that are proper for those Boards doesn't make that decision a binding decision on the Board of Supervisors. What I am trying to say is that I and these other two Supervisors have treated everyone in the five years that I have been on this Board with total respect and I really take great offense at that remark.

Chairman Bennett said she spoke in generalities - it doesn't mean much. He didn't recall seeing her at any meetings in seven years.

Supervisor Fox said his only comment was that John let it go on too long to where the time was going by and it had nothing to do with the questions overall. I did comment to the manager that these people are trying to put them out of business. Supervisor Fox remarked that he had one request of this Board. Deep Run approached the Township asking for use of 113 and Callowhill for youngsters to start and they would improve the field somewhat and put in an entrance and the Park and Recreation was approached, talked about it and never did anything about it. I would like to ask the Board to request the Park and Recreation make a recommendation. That field is sitting fallow, it's not being used. Chairman Bennett related that it is 10 acres. The problem is it is a dangerous intersection, you have a lot of kids and cars pulling in. The Board as recently as two years ago weren't interested for those reasons. If they are now, we can take a look

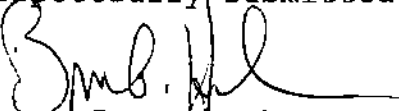
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at it. Supervisor Fox said that they weren't interested as a park. And I might say they are extremely cautious in anything they do; and I can cite some other votes where they have turned down ballfields and today they wish they wouldn't have done it. The thing is that we've got Deep Run that has their own insurance and if they feel they can use it, we're not saying put Hilltown money into it, let somebody else use that field. I think we should get a response; and I would ask for a motion to request that the Park and Recreation Board respond and give a positive or a negative and then I can take what they say and go on it or not. Again, they're giving their feeling, they're not looking ahead, they haven't in the past, and we could have double the ball fields we have now. If they had thought ahead on their discussion; I'm talking about Country Roads. Why not poll them by phone. Do you see anything wrong with polling? There was discussion concerning this. Motion was made by Supervisor Fox, seconded by Chairman Bennett, and carried unanimously to request a review by the Park and Recreation Board to give us a recommendation for future use.

M. **Press Conference**: A conference was held to answer questions of those reporters present.

N. **Adjournment**: Upon motion by Chairman Bennett, seconded by Supervisor Fox, and carried unanimously, the May 24, 1994 Board of Supervisors meeting adjourned at 11:05PM.

Respectfully submitted,



Bruce G. Horrocks
Township Manager