

HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED PUBLIC MEETING
Monday, June 28, 1993
7:30PM

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

Also present were: Kenneth B. Bennington, Vice-Chairman
Jack C. Fox, Supervisor
Bruce G. Horrocks, Township Manager
Joseph Scafidi, Township Solicitor
C. Robert Wynn, Township Engineer
George C. Egly, Chief of Police

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

Further, Chairman Bennett noted Solicitor Grabowski could not be present this evening, however he is being represented by one of his colleagues, Solicitor Joseph Scafidi. Also, due to the medical absence of Chief George Egly, Lt. Detective Kerry Trauger is in attendance this evening representing the police department.

A. APPROVAL OF MINUTES:

Action on the minutes of the May 24, 1993 Board of Supervisor's Meeting:

Supervisor Fox noted a correction on page 23, last paragraph, which should read "From the very beginning, Supervisor Fox felt the 700-750 gallons per day of water usage estimated by the applicant was inaccurate, and always believed that Gro-N-Sell would use more."

Supervisor Fox also noted a correction on page 38, which should read "Supervisor Fox advised this Board does not give variances, it gives Conditional Uses, and none has been given to this proposal."

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the May 24, 1993 Board of Supervisor's Meeting, as corrected.

Action on the minutes of the June 14, 1993 Board of Supervisor's Worksession Meeting:

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the June 14, 1993 Board of Supervisor's Worksession Meeting, as submitted.

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B. APPROVAL OF CURRENT BILLING: Chairman Bennett presented three Bill's List for approval this evening:

The first Bill's List is dated May 26, 1993, and includes \$82,549.58 of General Fund payments, and \$78,247.50 of Debt Service payments, for a grand total of \$160,797.08. Chairman Bennett commented the major payment on this Bill's List is the second re-payment to the Tax Anticipation Loan. Also, the semi-annual payment to the Bond was made in the amount of \$78,047.50. Supervisor Fox noted that the Parks - Capital Projects is up to approximately \$16,000.00. Chairman Bennett advised those payments come from the Bond Fund. Supervisor Fox stated the Park and Recreation Board established a fund of \$20,000.00 to complete the Blooming Glen Park, and asked if that had been met. Mr. Horrocks replied monies are still below the \$20,000.00 mark, however all the work has not yet been completed.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the payment of bills due May 26, 1993, subject to audit.

The second Bill's List is dated June 9, 1993, and includes \$80,800.79 of General Fund payments, \$141.19 of State Highway Aid payments, and \$793.50 of Escrow Fund payments, for a grand total of \$81,735.48. Supervisor Fox questioned the payment to the independent auditors for auditing services. Chairman Bennett replied that payment is the original charge which is being paid over a period of time, instead of in one lump sum. Supervisor Bennington asked for clarification of the amount paid to the elected auditors, since independent auditors were hired this year. By law, Chairman Bennett explained, the elected auditors must meet annually for their reorganization meeting, which is what this payment is for. Mr. Horrocks noted the elected auditors were paid for attending their reorganization meeting, as well as supplying the Township with a management letter late in 1992.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the payment of bills due June 9, 1993, subject to audit.

The third Bill's List is dated June 23, 1993, and includes General Fund payments in the amount of \$12,869.80, State Highway Aid payments in the amount of \$55.12, and the semi-annual payment to the seven responding fire companies in the amount of \$42,600.00, for a grand total of \$55,524.92. Chairman Bennett commented the \$42,600.00 payment to the fire companies comes from the three mill Fire Tax. The seven fire companies are to be paid on July 1, 1993, and December 1, 1993. For the Board's information, Mr. Horrocks explained the payment in the amount of \$2,008.56 to Union National Bank was for the interest due on the Tax Anticipation Loan, which

has now been totally paid off. Supervisor Bennington questioned the bills for meal reimbursements. Mr. Horrocks replied there were a number of police officers attending either week long, or multi-day seminars, of which those officers are reimbursed \$8.00 per day for meal allowance, per the police contract. Supervisor Fox questioned the payment due from Street Lighting Fund to Pennsylvania Power and Light Company for fixture changes at the Country Roads development. Mr. Horrocks explained the Township is not paying for fixtures in that particular development. Hilltown Township received a check from the developers of Country Roads approximately one month ago to pay for all those fixtures, including power, for a specified period of time. The Township received the funds prior to PP&L's billing period.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the payment of bills due June 23, 1993, subject to audit.

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

Mr. Horrocks presented the Treasurer's Report with the following balances as of June 25, 1993:

General Fund Checking Account	\$109,176.77
Payroll Checking Account	\$ 260.25
Fire Fund Checking Account	\$ 97,837.39
Debt Service Investment Checking Account	\$101,686.65
State Highway Aid Checking Account	\$211,993.10
Escrow Fund Checking Account	\$124,336.81

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to accept the Treasurer's Report, dated June 25, 1993, subject to audit.

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

E. CONFIRMED APPOINTMENTS:

1. Mr. Dan Souder - Heather Drive Basketball - Mr. Souder received a notice of violation from Mr. John Friel, Zoning Officer, on June 17, 1993, with regards to the basketball backboard constructed at the curb line of his home at 522 Heather Drive. Following Mr. Friel's site inspection on June 13, 1993, it was determined that the basketball backboard was installed immediately behind the curb line, within Hilltown Township's right-of-way, and Township approval is needed before installation. Mr. Souder responded, in writing, to the Board of Supervisors, explaining that he had spoken to all the residents of their cul-de-sac. Heather Drive is a dead end cul-de-sac of twelve twin homes. Mr. Souder presented a map of Heather Drive, and pictures of the basketball

backboard, as well as a waiver signed by 22 of the 24 residents of that cul-de-sac street, approving and supporting the installation of the basketball backboard. Just down the street from Heather Drive, there is a basketball court for Green Meadows, which sports a "Private Property - No Trespassing" sign. Children from the Heather Drive development who have attempted to utilize this basketball court have been sent away from playing there, and in some instances, have been physically abused, which is a matter of record with Hilltown Police. Therefore, the neighboring residents of Heather Drive agreed to erect their own basketball nets for use of the children of that cul-de-sac. Heather Drive is "policed" by the residents and the basketball nets are widely used by the children of that street. Mr. Souder noted there is also a basketball net located at 501 Heather Drive, which is across the street from his property. The basketball nets have been up for approximately six weeks. Apparently, there was one resident of Heather Drive who complained that the children playing in the street disrupted traffic. As far as traffic, Mr. Souder stated Heather Drive is a dead end cul-de-sac street. Mr. Souder believes the one resident who complained does not care to slow down to avoid hitting the children. There are not only children playing basketball in this cul-de-sac, but there are also children riding bicycles, skipping rope, etc.. Mr. Souder was unaware that Township approval was needed before construction of the backboards or he would have asked permission prior to their construction. Mr. Souder is requesting the Board's approval to allow these two basketball backboards to remain.

Ms. Terry Brown of 501 Heather Drive, who also has a basketball backboard installed in front of her home, is requesting the Board's permission to allow the backboards to remain. Ms. Brown and Mr. Souder offered to install "Play at Your Own Risk" signs. Ms. Brown confirmed that the backboard is located 12 ft. from the mailbox and is in the curb line. Ms. Brown commented Heather Drive represents a very nice community of young families, with approximately 25 children residing in the cul-de-sac. There is not a place for the children to play, which is what prompted the installation of the basketball backboards. All the children's parents work in conjunction with each other, and would like to be able to supervise their children's play time. Ms. Brown noted there are some "rough" kids who live in the housing development to the rear of Heather Drive, and Hilltown Police has supported the Heather Drive parents in their efforts to supervise the children. Ms. Brown also submitted photos of the site, and waivers of liability signed by residents of Heather Drive.

Chairman Bennett asked if Heather Drive is part of Green Meadows. Ms. Brown replied that it is not. Supervisor Fox asked the name of the development in which Heather Drive is located. Ms. Brown is not sure of the actual name. Mr. Wynn advised Heather Drive is

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a section of what was originally Phase IV of Green Meadows, however the developer went bankrupt and it was then taken over by a bank, and then finally another developer. It then changed from townhouses to twin homes. Meadow Glen Apartments was originally Phase V of Green Meadows, though that developer also went bankrupt, and it then became Meadow Glen Apartments via a different developer.

Chairman Bennett advised the Township's biggest problem with this type of situation is liability. Ms. Brown presented a listing of signed waivers of liability from every resident in the cul-de-sac, except one, who is the person that complained. Solicitor Scafidi asked if the waivers of liability were signed by the parents. Ms. Brown replied that they are. Solicitor Scafidi explained the problem is that parents can not waive their child's liability, or the child's right to sue. If a child were to be seriously injured, and it came to someone's attention, the court could even appoint a guardian for the child to protect that child's rights. Another issue Solicitor Scafidi mentioned is the possibility of visitors, such as friends or relatives, who might be injured while playing at the basketball nets. Ms. Brown commented the waivers of liability were signed by the residents of Heather Drive to keep honest people honest. Solicitor Scafidi understands what Ms. Brown and her neighbors are attempting to do, however the waivers of liability which have been presented have some limitations to them, and he must look out for the best interest of the Township. Also, Solicitor Scafidi mentioned the fact that if a motor vehicle accident was caused due to children playing at these nets, the Township would be held liable since the nets are located within the Township right-of-way. Chairman Bennett stated in situations such as this, if the Board were to grant a waiver or an exception, other residents might begin appearing before them asking for the same type of waiver. Lt. Detective Trauger researched the vehicular code, and discovered that the use of these basketball nets would be a violation of that code. Solicitor Scafidi informed the Board that the vehicular code cannot be waived.

Supervisor Fox felt the only way to protect the Township with regard to the liability aspect would be to give the street back to the residents, therefore making it a private roadway. The responsibility of road maintenance, snow removal, etc., would then fall under the jurisdiction of the residents of Heather Drive. Ms. Brown wondered if there was any other way to make it work for the residents of Heather Drive and the Township itself. Supervisor Fox did not believe so, not unless the Township agrees to accept the liability. Ms. Brown asked if there is funding available for a playground to be constructed in the Heather Drive area. Supervisor Fox asked if there is any open space behind that particular development. Ms. Brown replied that there is. Mr. Wynn interjected that there is open space, however the majority of it

is owned by Meadow Glen, with the existing play area owned by Green Meadows. Mr. Wynn stated there was a tot lot constructed when Meadow Glen was built, however it was for Meadow Glen residents only, and he is not even sure that it still exists. Ms. Brown confirmed that it does still exist. Supervisor Fox asked why there is no open space in the Heather Drive development. Mr. Wynn replied the entire development, which occurred in the late 1970's and early 1980's, was involved with bankruptcy and changes to the plan, etc.. At one point, that development was originally planned for twelve units per acre. That proposal was then reduced to six units per acre, and there was a lot of "give and take" because of the bankruptcy and the resulting complications which occurred with regards to incomplete public improvements and other items. Mr. Wynn explained there was open space deeded to Green Meadows during the first phase, and that remains with Green Meadows. Meadow Glen created their own open space area when they developed.

Supervisor Bennington mentioned that some time ago, a group from Green Meadows appeared before the Board to request installation of a baseball backstop, and asked the reason that request was never approved. Mr. Wynn advised a basketball court was installed and is what can be seen in the photographs presented this evening. Mr. Wynn commented Heather Drive is not part of Green Meadows. The Homeowner's Association of Green Meadows stopped with Phase III during the bankruptcy, and therefore, Phases IV and V are not part of the Association. Chairman Bennett noted the Township was willing to spend some money specifically for Green Meadows, and had asked the Homeowner's Association if they would continue the maintenance once the recreational facilities were constructed, but the Association would not agree to that.

Ms. Brown stated she and her neighbors would just like to be good parents and be responsible for their children. There is a grassy field located across East Summit Street, however she does not know who owns it. Mr. Wynn replied that is a retention basin. Ms. Brown meant beyond that, between the woods and the Romanofski Field. Mr. Wynn replied that is owned by Kratz Junkyard. Ms. Brown stated the closest playground is located across County Line Road, and it would not be safe for the children to cross, nor could they watch their children from that location. Mr. Wynn recalled that in the open field area, immediately behind Meadow Glen, there was a baseball backstop constructed, however that has been removed because the children from Meadow Glen destroyed it. Supervisor Fox asked if there is any open space whatsoever where a basketball court could be constructed. Mr. Wynn replied there is open space, however it is privately held by Meadow Glen. Chairman Bennett noted that Meadow Glen is a Federally funded project, yet it is privately owned.

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Supervisor Bennington asked if there are any other options to be explored. Solicitor Scafidi advised the Board that the liability issue could be very serious if someone should be injured, since they are on Township property, and since the easement is fee simple. Therefore, if the Board were to approve this request tonight, it will be creating a basketball court in a public street and Hilltown Township will be liable for it.

Normally, Chairman Bennett stated, when the Board can not come to a decision reasonably quick, he would suggest tabling the issue, however he does not see any other options at this point. Supervisor Fox suggested this matter be put to the Park and Recreation Board to see if they can come up with a possible solution. Chairman Bennett has no objection to tabling the issue until the Park and Recreation Board can review the matter. Since this is an official zoning violation, Supervisor Bennington felt there is a problem with tabling the issue because if someone were to get hurt in the interim, the Township would be held liable.

Mr. Pete Smith of 520 Heather Drive stated it seems that until this matter was deemed a zoning violation, Heather Drive did not exist. Mr. Smith claims the snow plows do not come clear the road, the street is never swept, and the police do not patrol that roadway on a regular basis. Mr. Smith commented suddenly the Township does not want to take the liability, and asked who takes the liability when the street is not plowed, or who took the liability when his truck was broken into last month. Solicitor Scafidi explained this matter has been brought to the attention of the Board of Supervisors through a Notice of Violation, and the Board is now aware of it. If someone were to get hurt, the Township will be held liable. It is Solicitor Scafidi's job to advise the Township as best he can in legal matters. Solicitor Scafidi does not want to be a "scrooge", and he understands how the residents of Heather Drive feel, however he cannot, in good conscience, tell the Township that they can create a basketball court on a public road. Nor can he tell the Township that the waivers of liability that have been produced this evening are fine, because legally, they are not.

Mr. Souder noted there are no speed limit signs on Heather Drive, and asked if it could be petitioned to have a 15 mph speed limit sign put on a dead end cul-de-sac street, or if "Caution - Children Playing" signs could be installed. Chairman Bennett felt those things were possible, but does not feel it addresses the basic issue. Mr. Souder agreed, however he felt it might help to slow traffic. The reason this zoning complaint was made to the Township was because of motorists driving at excess rates of speed who did not want to slow down for children playing. In the past, Mr. Horrocks advised, the Township has offered "Caution - Children Playing" signs for residents to purchase and the Township to

install. The cost to purchase the sign is approximately \$60.00. Mr. Horrocks noted the signs are not randomly installed throughout the Township since every road would require such a sign. Mr. Souder asked if speed limit signs could be installed. Chairman Bennett commented erecting speed limit signs entails an involved process of conducting a traffic study, with those results being forwarded to PennDot for their review and approval. Lt. Detective Trauger explained a study must be done to determine average speed on that roadway.

Ms. Brown would like the Board to look into any options available to provide a safe place for the children of Heather Drive to play, where they can be supervised.

Mr. Souder asked how much land behind the curb belongs to Hilltown Township that he has been maintaining and paying taxes on. Mr. Wynn replied fee simple land goes to the back of the sidewalk, if there is one, which is approximately 8 feet behind the curb. Further, Mr. Wynn noted Mr. Crock is not paying taxes on that property.

Mr. Horrocks is willing to address this issue at the next Park and Recreation Board meeting, to make them aware of the severe lack of playground area for the residents of Heather Drive. Mr. Horrocks believes at this time, the Board either has to come into total agreement with the Zoning Officer's memo, or approve this basketball court. Unfortunately, Chairman Bennett stated, he does not believe the Board has a choice. Supervisor Bennington asked if it would be possible to move the basketball net back behind the sidewalk, and pave that area so that it is no longer located within Hilltown Township's right-of-way. It would then no longer be a zoning violation because it would be located on private property.

Mr. Joe Krut of 501 Heather Drive does not understand why it is so difficult to get approval for two basketball nets. Mr. Krut cited several locations around the Township where other basketball nets are in place.

Mr. Souder asked if a portable basketball net on a frame could be used. Solicitor Scafidi stated the Board of Supervisors can not approve any basketball net, portable or otherwise, to be used on Township property. The residents of Heather Drive can do what they wish on their own property, however the Board can not be responsible and take the liability for approving a basketball court on Township property.

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Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to support the Zoning Officer in the condemnation of the basketball court at 501 Heather Drive and 522 Heather Drive, due to the potential of liability against the Township.

Supervisor Bennington commented he reluctantly seconded that motion because there is no other option at this time, and he refuses to hold the Township liable. Chairman Bennett apologized, explaining that the Board wished they could help, however the matter will be brought to the attention of the Park and Recreation Board to determine if there are any possible alternatives. Mr. Horrocks advised the Hilltown Township Park and Recreation Board will be meeting on Tuesday, July 13, 1993 at 7:30PM.

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

1. As advertised, bids for the two used police vehicles were opened at 4:30PM today. Bids were received from three different vendors, and the highest bidder was Ted Covington Sales in the amount of \$2,533.00 for one vehicle, and \$2,633.00 for the remaining vehicle. Mr. Horrocks recommended the Board of Supervisors approve the offer from Ted Covington Sales.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the bids from Ted Covington Sales for the two used police vehicles, as stated.

2. Mr. Horrocks presented fifteen escrow releases for the Board's authorization, four of which are cash held by the Township:

Balco Subdivision	Voucher #01	\$ 118.35
Balco Subdivision	Voucher #02	\$ 1,227.15
Country Roads Phase I	Voucher #10	\$ 395.35
Country Roads Phase I	Voucher #11	\$59,409.00
Deerfield	Voucher #37	\$49,925.70
Deerfield	Voucher #38	\$45,000.00
Our Lady of the Sacred Heart	Voucher #02	\$ 137.75
Orchard Station	Voucher #30	\$ 229.65
Hager Subdivision	Voucher #07	\$ 55.85
Hilltown Meadows Phase II	Voucher #04	\$ 70.95
Hilltown Meadows Phase II	Voucher #05	\$ 859.60
Cefelli	Voucher #14	\$ 107.95
Fretz Land Development	Voucher #05	\$18,762.35
Fretz Land Development	Voucher #04	\$ 242.70
Stonycrest	Voucher #13	\$69,956.29

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

3. Notice has been received from the Bucks County Department of Health concerning a septic problem along the Oak Street/Central Avenue/Northview Street area. Mr. Horrocks recommends the Board authorize Mr. Wynn's office to conduct a feasibility study on that entire area.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to conduct a feasibility study on Oak Street/Central Avenue/Northview Street area.

4. A signed Fire Service Agreement has been received from Telford Fire Company. Mr. Horrocks noted only one Fire Service Agreement remains outstanding.

5. For the Board's information, Mr. Horrocks advised a check in the amount of \$15,935.00 was received from Pennsylvania Emergency Management Association, which is reimbursement for snow plowing during the March 14, 1993 snow storm. Hilltown Township's grand total of expenditures was \$20,400.00, and the 75% Federal share was \$15,300.00, so in fact, the Township did come in over the 75% Federal share.

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

1. Correspondence has been received from Representative Tom Druce advising that Supervisor Fox is serving on the Local Government Advisory Committee recently established.

2. A letter of explanation has been received from Suburban Cable, advising on how they are attempting to comply with the 1992 Cable Television Act and it's difficulties.

H. SOLICITOR'S REPORT - Mr. Joseph Scafidi, Township Solicitor's Office -

1. Solicitor Scafidi presented two Ordinances dealing the Pennsylvania Stormwater Management Act. Following the Public Hearing held on June 14, 1993, both Ordinances are proposed for adoption this evening. One adopts the Pennsylvania Stormwater Management Plan, and the second adopts and amends it into the Hilltown Township Subdivision/Land Development Ordinance.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to adopt Ordinance #93-2 to implement and adopt requirements of the Pennsylvania Stormwater Management Act and the Neshaminy Creek Watershed Stormwater Management Plan of Bucks County.

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Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to adopt Ordinance #93-3 to amend the Hilltown Township Subdivision/Land Development Ordinance, implementing the same requirements as noted above.

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

1. Jager Subdivision - Mr. Wynn presented the preliminary plan for the Jager Subdivision located on Diamond Street. The plan proposes four new building lots on Diamond Street, immediately north west of Schoolhouse Road. Lot #6, which is a large 40+ acre tract, will be a stand alone flag lot with access onto Victoria Lane in the Orchard Station Subdivision. Lot #5 is a flag lot with access onto Diamond Street, and contains the existing house and barn. The property abuts Silverdale Borough, Orchard Station and the Finkelstein property. The proposed building lots #1 through #4 on Diamond Street are to be served by public water and sewer from the Hilltown Township Water and Sewer Authority. Lot #5 contains an existing well and has recently been connected to public sewer. Lot #6 is not for development at this time. The Board is in receipt of a memo stating the recommendation of the Planning Commission which is to grant preliminary plan approval, subject to a number of items. Those items include location of wetland areas on the plan, which have been delineated by Del-Val Soils, outside approval from PennDot for access and any street improvements required by the Township, Planning Module approval, verification of erosion and sedimentation control facilities, an escrow agreement to guarantee public improvements, and dedication of the right-of-way. The Planning Commission recommended a waiver of stormwater management facilities at this time. Mr. Wynn explained all the proposed lots drain into the floodplain area. As noted on the plan, any further development of Lot #6 must include the impact of the remaining lots, rather than attempting to develop a small retention basin at this time. The applicant has requested a waiver of most street improvements to Diamond Street. What is proposed on the plan is some right-of-way re-grading and stormwater management improvements, and the installation of an inlet. The purpose of the inlet is to divert water that is currently running down along Diamond Street, and directing the water to the floodplain area. There was quite a bit of discussion at the Planning Commission meeting concerning waiving improvements in the CR district. It was noted that along Diamond Street, there were partial and full waivers granted to previous developments, though in all those cases there were contributions made by the developers in lieu of improvements at this time. For example, the Finkelstein Subdivision, which adjoins this site, was mentioned. By a vote of 4:1:1, the Planning Commission recommended denial of the applicant's request for waiver of street improvements to Diamond Street, including cartway widening and curb along Lots #1 through #4. In their motion, the Planning Commission advised the applicant

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that the Supervisors might accept funds in lieu of improvements, if they so desire.

Mr. Jager has been a resident of 1235 Diamond Street for ten years. The proposed lots are for construction of single family residences and Mr. Jager would like to build the homes himself. On Lot #5, where his existing home is located, Mr. Jager is considering putting a conservation easement through the Bucks County Conservancy on that particular parcel of ground. At this time, Mr. Jager has no plans for Lot #6, which is for future consideration. The Bucks County Board of Health has requested Mr. Jager to either upgrade his system to a current permitted septic system, or connect to public sewer via a pressure sewer system. Mr. Jager has connected to public sewer through the Orchard Station Subdivision, utilizing 1,300 ft. of pipe, which was done in the beginning of May. Pertaining to Lots #1 through #4, there was an indication of hydric soils in those lots which necessitated a wetlands study. It was determined that there are no wetlands on the lots Mr. Jager has proposed for building. Prior to this project being initiated, Mr. Jager spoke with Mr. Wynn in relation to what the Township has required in the past. The applicant took that into consideration in drawing this plan which addresses the need for some road improvements, since there is an 18 inch culvert located underneath Diamond Street, coming from the Ludlow property. It empties into a swale on Mr. Jager's side of the street, which has created an erosion problem, somewhat precipitated by the installation of a water main by the Hilltown Township Water and Sewer Authority. The water main was backfilled with gravel, which has been washing away with rain storms. The Planning Commission has recommended curb and widening be done to that particular stretch of Diamond Street along Lots #1 through #4. Mr. Jager cited the Finkelstein Subdivision, which took place last March, addressing numerous conversations with PennDot, the Planning Commission, the Board of Supervisors and Mr. Wynn, regarding road widening. One of the greatest problems in widening Diamond Street to it's required cartway width of 26 ft. half width, is that it creates a safety hazard because it begins as a two lane road which goes to a two lane road with a shoulder. Mr. Jager does not feel that the "in and out" traffic pattern creates an orderly flow of traffic. Mr. Jager quoted sections of the Board of Supervisor's meeting minutes of March 16, 1992, and March 23, 1992, concerning waiving street improvements to Diamond Street in the past. Mr. Wynn noted any waivers which were granted in the past for improvements to Diamond Street were justified by the applicant supplying a contribution for future improvements in lieu of immediate improvements. Mr. Jager commented he is developing 6% of his property, and has 24% that he is willing to donate for eternity as undeveloped ground, other than his own dwelling. It is Mr. Jager's intent to keep with the rural character of the area, and he does not feel widening of the roadway would do so.

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Mr. Wynn stated one of the items that has come up is the 26 ft. of half widening which was what PennDot had indicated was desirable for the Finkelstein Subdivision, located immediately adjacent to the site. Mr. Wynn advised this site is a bit more removed from the intersection of Diamond Street and Rt. 113.

Mr. Wynn suggested this matter should be tabled until the Board's next meeting, and in the mean time, Mr. Wynn will contact PennDot to determine if a lesser amount of roadway widening would be desired. It is not infrequent where a half width of 20 ft. or even 17 ft. is used on a road such as this. For example, 17 ft. half width is the widening utilized on Rt. 152 at the Sterling Knoll Subdivision. PennDot's requirements may impact the Board's decision, since that is a much more reasonable widening of the road, rather than the 26 ft. widening. Mr. Jager agrees this a good suggestion, however in keeping with what has been waived in the past, he wondered what purpose it would serve to widen only that section of Diamond Street where his proposed lots are located. Supervisor Bennington replied in the past, street improvements to Diamond Street, which is located within the Country Residential District, have only been waived in lieu of a contribution of funds to the Township for future improvements. Mr. Jager has not found a stipulation in the Subdivision/Land Development Ordinance that requires a contribution to be made. Supervisor Bennington agreed, however, the Board could also require Mr. Jager to construct widening, sidewalk and curbing of Diamond Street, because that is in the Ordinance. Mr. Jager noted the Supervisors could not personally require that of him, since PennDot has the ultimate say on a State roadway. Mr. Wynn commented PennDot only has the ultimate say on the extent of the widening, how the widening is constructed, the depth of the curb, and how the curb is constructed. Whether or not the roadway is widened, or has curb or sidewalk installed, is a decision to be made by the Board of Supervisors, not PennDot. Mr. Jager spoke with PennDot today, and it was determined that all information does get reviewed by PennDot. Mr. Wynn agreed it does get reviewed by PennDot, however it is the Board of Supervisor's ultimate decision. Mr. Jager stated there are proposed improvements on his plan which will increase the safety and feasibility of utilizing Diamond Street properly. The improvements Mr. Jager proposed include a parabolic grass swale up to the edge of the road to be maintained as grass, and he believes it will be much more appealing than a stone shoulder with grass 10 ft. off the road. The stormwater problem has also been addressed with a pipe coming across Diamond Street. There is a large amount of money involved in doing those improvements. Mr. Jager produced estimates of the cost involved in doing such a project. Mr. Wynn suggested Mr. Jager submit that information to be considered and reviewed before the Board's next meeting. Mr. Jager asked if there is some way the Board and he could come to an agreement this evening. If Mr. Jager were to give

a contribution, it appears that the amount would be based upon \$32.00/ft. for 642 ft. of frontage, for a grand total of \$20,500.00. Actually, Mr. Wynn believes that amount is incorrect because the total frontage is actually 692 feet. Mr. Jager noted improvements are requested on Lots #1 through #4. Mr. Wynn is indicating that if Mr. Jager is comparing this subdivision to the Finkelstein Subdivision, that contribution was not based upon anything less than the entire frontage. The actual recommendation by the Planning Commission is to install curb and widening improvements - not to give a contribution in lieu of improvements. Mr. Wynn felt it might be more appropriate for Mr. Jager to submit the dollar amount information for review before the Board of Supervisors make a quick decision at this point. Another item to be considered is whether or not the road widening would be excessive. Chairman Bennett agreed with Mr. Wynn's suggestion to table the Jager Subdivision until a more thorough review could take place.

Supervisor Fox advised there is a problem with granting these types of waivers in the Development District, where Mr. Jager's proposed subdivision is located. Several years ago, it was determined that if the developer or the owner of the property did not make the necessary roadway improvements at time of development, it would eventually become the responsibility of the taxpayers of Hilltown Township. At that time, the Planning Commission decided they would make recommendations to encourage that roadway improvements be done immediately, or if the Board of Supervisors so wished, they could require a contribution in lieu of those improvements. Mr. Jager's subdivision is very similar to the Finkelstein Subdivision, and it would be possible for him to contribute funds in lieu of completing the improvements at this time. If a donation were to be made in lieu of road improvements, Mr. Jager asked if the new owners of his lots will have to pay for the price of those improvements in the future. Mr. Wynn commented no one has ever been assessed for road improvements along the frontage of the property. Mr. Jager asked how the Township would pay for improvements in the future. Mr. Wynn replied they are paid for out of the General Fund or the Liquid Fuels Fund, not through assessments.

The Board of Supervisors agreed to table the Jager Subdivision until the July 26, 1993 Board of Supervisors meeting. Mr. Jager asked what information he should provide that will be most helpful in coming to some agreement. Mr. Wynn suggested Mr. Jager submit any cost information he presently has.

2. Souderton Community Baseball Field - Mr. Wynn explained the applicant is proposing to construct a building near the baseball field that will serve as equipment and uniform storage, refreshment stand, and two bathrooms. The proposed building will be approximately 34' X 24'. The building is to be served by public

water and sewer from the Telford Borough Authority. The applicant is also proposing to install lights at the baseball field. Because this is a non-residential building, by definition, it is considered a land development, however the applicant has requested a waiver of land development submission. In consideration of the type of development that is proposed, a majority of the Planning Commission, with one abstention, recommended a waiver of submission of land development for Souderton Community Baseball Field.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant a waiver of land development submission for the Souderton Community Baseball League.

3. Balbi Subdivision - The proposed Balbi Subdivision is located on Callowhill Road at the intersection of East and West Creamery Roads. The plan proposes to subdivide an existing property that contains a dwelling and is actually located on East Creamery Road, into three lots. Lots #2 and #3 would front on Callowhill Road and are proposed building lots. A barn currently exists on Lot #3 and it has been noted on the plan that it will not be utilized for agricultural purposes. All three lots are proposed to be serviced by on-site sewage and water supply. There is presently an existing well and septic system on Lot #1.

The Planning Commission recommended approval subject to all outstanding items in the last engineering review, and two waivers were recommended for approval. The applicant is seeking preliminary approval so that they may proceed ahead with design of improvements to Callowhill Road, which would be desired by this Board and submission to PennDot, which is required for preliminary approval. The first item the Planning Commission addressed was the waiver of street improvements. The applicant requested full waiver of street improvements, however the Planning Commission recommended that the applicant be required to improve the shoulder and right-of-way drainage along Callowhill Road on the frontage of both Lots #2 and #3. Currently, on Lot #1, that portion of Callowhill Road was widened several years ago, and actually has a deteriorated stone shoulder and guiderail along the frontage. The Planning Commission recommended that those improvements be resolved during the final plan stage.

By a vote of 5:1, the Planning Commission also recommended a waiver of the water impact study requirement. In this case, it was noted that although this is a major subdivision by definition, there are only two new building lots being developed. The Planning Commission waiver was conditioned upon the applicant performing the four hour pump test required by Ordinance #87-2, on all three wells, including the existing well on Lot #1 simultaneously.

Ms. Judy Stern-Goldstein of Showalter and Associates was in attendance representing the Balbi family. Ms. Stern-Goldstein explained the conditions placed upon the waiver regarding the water test and the water study are agreeable to the Balbi family, however they would request the waiver of full roadway improvements. The applicant requested that shoulder improvements and swale improvements would also be waived. The Balbi family has purchased this property with the hopes of subdividing it into three lots to serve them. At this point, it would be a financial hardship for the applicant to do any additional improvements. Ms. Stern-Goldstein reminded the Board that the site is located in a rural area and there are no roadway improvements except at the intersection. The proposed driveway taking access onto Callowhill Road would have trench drains associated with that, which has been designed and included on the plans. Therefore, the minor improvements necessary to construct the driveways would be in place.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant preliminary plan approval to the Balbi Subdivision, pending completion of those items as recommended by the Planning Commission and Mr. Wynn's engineering review letter.

4. Nickel Subdivision - The site is located on Township Line Road, near the New Britain Township boundary. The plan proposes to subdivide a 20 acre parcel into two lots. Lot #2 contains an existing dwelling, pond, and outbuildings. Lot #1 is proposed as a flag lot and a new building lot, to be served by an on-site well and septic system. The properties are proposing to share an existing, paved driveway. The driveway will actually be located in the flag area of the new lot. The frontage of the site contains a significant amount of trees, actually in excess of buffer requirements, therefore there are no new buffer plantings proposed. Lot #2 will have 50 ft. of frontage, and Lot #1 will have 190 ft. of frontage. Mr. Wynn explained there are some ponds on the property and some wetland areas, though there is no proposed construction in the wetland area.

The Planning Commission has recommended final approval of this minor subdivision, subject to the following three items. One is that the easement for the access to Lot #1 be submitted to the Township for review. Also, Planning Module approval must be received from DER, and the right-of-way of Township Line Road, which is offered for dedication on the plan, must actually be accomplished. Mr. Wynn has received correspondence indicating the pins and monuments have been set and shown on the plan.

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Mr. Owen Shirnbeck of Gilmore and Associates was in attendance to present the plan. The applicant is requesting a waiver of roadway improvements. As can clearly be seen by the location map, the site is located within the Rural Residential District, and there are a number of fairly large tracts of ground in this general area. There are also a number of smaller developed parcels, none of which have roadway improvements. In keeping with the rural atmosphere of that road, the Nickel family is requesting a waiver of roadway improvements. As Mr. Wynn has stated, the property contains existing plantings which satisfy buffer yard requirements, and therefore the applicant is also asking for a waiver of planting of any additional street trees. Upon review of Mr. Wynn's engineering letter, it was noted information was submitted to the Township via a letter dated June 22, 1993, regarding the easement information for the common driveway. The applicant has also supplied correspondence to Mr. Wynn's office stating that pins and monuments as shown on the plan have been installed. Mr. Shirnbeck assumes Planning Modules were signed subsequent to the Planning Commission meeting last week, and sent to DER. A satisfactory letter from the Bucks County Conservation District review was received, dated June 8, 1993. As Mr. Wynn stated, Note #7 on the plan offers dedication of the area between the title line and the ultimate right-of-way to Hilltown Township.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant final plan approval to the Nickel Subdivision, pending completion of those items in Mr. Wynn's engineering review letter and recommendations made by the Planning Commission.

5. Tel-Vil Corporation (formerly Hunsberger/Garis) - The site is located on Cherry Lane, and the lots are proposed to be served by public sewer by the Hilltown Township Water and Sewer Authority, and public water by the North Penn Water Authority. Since the preliminary plan approval, most of the outstanding items have been accomplished by the applicant, such that the Planning Commission has made it's final plan recommendation, which was unanimous. An item still outstanding is the execution of an Escrow Agreement to guarantee installation of all public improvements. Those costs for public improvements have been forwarded to the Township Solicitor. Planning Modules must receive approval from DER. Mr. Wynn advised the Planning Modules and accompanying Resolution are available for the Board's action this evening. At a previous meeting, the Planning Commission recommended approval of the Planning Modules. Also, all the easements and the right-of-ways shown on the plan must be executed in a manner satisfactory to the Township.

Supervisor Bennington asked if the construction of homes in this particular subdivision are proposed to include installation of

lights at the end of the driveway. Mr. Wynn replied that they are. Supervisor Bennington asked if the Board can insure that the lights are installed before any future owners have the right to say they do not want the lights, as has happened with other subdivisions in the past. Supervisor Fox suggested that requirement be met before Use and Occupancy permits are issued. Mr. Wynn noted the problem is that the light will not have any power source until the home is constructed. Supervisor Bennington understood, however he felt the pole for the light should physically be mounted before Use and Occupancy approval is granted. The Board agreed that should be a requirement in order to avoid problems which have occurred in the past. Mr. Bryan Hunsberger, developer of the site, felt this was a very good idea.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the final plan for the Tel-Vil Corporation Subdivision, pending completion of the three outstanding items as specified above.

With regard to the Planning Modules, Mr. Wynn explained this is a sanitary sewer line extension up the cul-de-sac street, which requires a Resolution for plan revision to be adopted by this Board. Reviews have been received from the Bucks County Planning Commission, Bucks County Health Department, the Hilltown Township Planning Commission, and the Historical Society. Mr. Wynn recommends the Board of Supervisors adopt a Resolution for Planning Modules.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt Resolution #93-34 for Planning Module plan revision.

Mr. Wynn asked if Mr. Hunsberger's partner, John Garis, had received a permit for a box culvert for the Pleasant Meadows subdivision. Mr. Hunsberger did not know anything about that permit. Mr. Wynn advised Mr. Garis had recently indicated that the time period for the Army Corp. of Engineers to deny or comment negatively on the permit, expired two weeks ago. Since no word has been received, Supervisor Fox asked if that means it is a positive response. Mr. Wynn replied that it should make it a positive response, and hopefully, it means the approved permit is just waiting to be typed. Technically, the Army Corp. of Engineers had to respond within a certain number of days.

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

1. Deerfield Subdivision - The latest deadline for improvements to the Deerfield Subdivision expires in two days. Mr. Wynn stated the improvements are not complete, though they have made quite a bit of progress. A request has been received to

extend that deadline for another 30 days, until the end of July, along with correspondence from Prime Savings Bank, indicating an extension is acceptable with the irrevocable Letter of Credit for the same time period.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the 30 day extension for completion of improvements within the Deerfield Subdivision.

2. Hilltown Meadows Subdivision - Mr. Wynn advised the Hilltown Meadows Subdivision was a cash escrow established with the Township by Franklin Rice in 1989, to install some trees along Dublin Road. The trees have recently been installed, after all these years, and Mr. Wynn now recommends the Board acknowledge acceptance of that. Mr. Wynn noted the developer actually installed more trees and bigger trees than were required. There is no maintenance under the agreement, since it only provided for the installation of those trees, which have been in for several months.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept completion of the installation of the trees for the Hilltown Meadows Subdivision.

3. St. Philip's Orthodox Church - The 18 month maintenance period for St. Philip's Church, which consisted of the retention basin and tree plantings, etc., expires at the end of June. The applicant recently installed an orifice plate, which was an outstanding item.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to accept completion of the 18 month maintenance period for St. Philip's Orthodox Church.

4. Schade Tract Subdivision - This site is located at the corner of Rickert Road and Green Street, which was approved and the agreements were signed in 1991, although no homes have been constructed in that subdivision. An irrevocable Letter of Credit, extending to the end of 1993, actually extends past the deadline for completion, which is in two days. The applicant has not responded to Mr. Wynn's latest correspondence dated June 3, 1993, asking when they plan to complete the improvements, consisting primarily of landscaping and driveway construction. As the Letter of Credit from Meridian Bank does not expire until January 30, 1994, Mr. Wynn advised there is no request for extension beyond June 30, 1993. Mr. Wynn is requesting this Board to make a motion to advise the Schades that they will further extend the completion date, but that improvements must be installed by October 1, 1993, or it will be considered in default.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to extend the deadline for improvements to the Schade Tract Subdivision until October 1, 1993, and advising the applicants that they must complete the improvements by that date, or be considered in default.

5. Stonycrest Subdivision - Mr. Wynn advised this subdivision was completed in December of 1992, with some conditions, including an as-built plan approval, execution of the Maintenance Bond by the Township Solicitor, and correction of a drainage problem to the rear of the two lots. Six months later, these three requirements have been met.

6. Fretz Subdivision - The Fretz Subdivision improvements, consisting of some tree plantings and stormsewer at the site on Bethlehem Pike, have been completed. Mr. Wynn recommends the Board acknowledge acceptance of completion of those improvements and commence the 18 month maintenance period.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to acknowledge acceptance of the completion of improvements to the Fretz Subdivision, and to commence the 18 month maintenance period.

7. Balco Subdivision - The applicant for this subdivision planted a number of trees that were required along Callowhill Road, however he did not have the opportunity to plant all the trees before plan recordation. Therefore, an Escrow was put up for the remaining trees. The remaining trees were installed approximately two months ago. Mr. Wynn recommends the Board accept the completion of those installations.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to accept the completion of tree installations for the Balco Subdivision.

K. RESIDENT'S COMMENTS -

1. As a member of the Hilltown Fire Company, Mr. John Snyder expressed his concern with the approval given to the Nickel Subdivision this evening, due to the length of the driveway and the stream crossing. As a fireman, Mr. Snyder noted the difficulties involved in accessing driveways of this length with fire fighting equipment. Mr. Snyder suggested some type of standards be set for driveway construction, so that in the event of a fire, the fire department can get a piece of equipment which may weigh as much as 30 tons, down a driveway to fight a fire. Mr. Snyder noted these comments are his personal opinion, not necessarily those of the fire department. Discussion took place and the Board agreed to take Mr. Snyder's suggestion under advisement.

L. SUPERVISOR'S COMMENTS -

1. Supervisor Bennington stated the Civic Field park has been planted with grass seed for the future baseball fields, and since that time, he has seen several people walking and golfing on that newly planted area. Supervisor Bennington suggested a temporary sign be erected notifying people to keep off the grass. Chairman Bennett felt it was a good suggestion, and Supervisor Fox agreed.

2. With regards to Habitations, Inc., Supervisor Bennington noted the grass must be mowed twice a year, and suggested notification should be sent to the owner, Mr. Randy Miley. Mr. Horrocks replied Mr. Miley no longer owns the Habitations property. Notice has already been sent to the former owner, who has again purchased this subdivision.

3. Supervisor Bennington asked if the traffic impact study in the area of the quarry has been completed, as discussed at previous Board meetings. Mr. Horrocks has spoken to Chief Egly concerning his portion of the study, who suggested the study be delayed as long as possible to insure that traffic is at it's maximum.

4. Supervisor Fox mentioned a number of youths who have been riding dirt bikes, night and day, through private property in the Hilltown Village area. Lt. Detective Trauger advised those youths have been apprehended, and now hopefully the problem has been resolved.

5. Supervisor Fox noted the two year employment anniversary of Township Manager, Bruce Horrocks. When Mr. Horrocks first came to the Township, Supervisor Fox was not sure he would make it, however since that time, he feels Mr. Horrocks has done an outstanding job. Mr. Horrocks attends all the meetings of every board, and works extremely hard. Upon review of Mr. Horrock's salary, Supervisor Fox feels it is not where it should be for the kind of job he does. Six months ago, Mr. Horrocks would begin on Friday and work through the weekend to prepare for the Board of Supervisor's meeting. Now he no longer has to do that, and Supervisor Fox personally believes Mr. Horrocks has definitely improved his job performance.

Motion was made by Supervisor Fox to authorize a \$2,000.00 raise to Mr. Bruce Horrocks, effective July 1, 1993 to December 31, 1993. Supervisor Bennington strongly seconded that motion, and indicated that the Board of Supervisors send a message to the employees of this Township that hard work and perseverance does pay off. Supervisor Bennington believes the Township Manager works very hard, has done an exemplary job, and applauds what Mr. Horrocks has

done so far.

Chairman Bennett asked whether or not the funds are available in the budget. Chairman Bennett does not recall that it is. Supervisor Bennington commented there is a contingency fund in the budget where those funds are available. Chairman Bennett stated the contingency fund is for the unexpected and for emergencies. Supervisor Bennington replied this proposed salary increase is unexpected. Chairman Bennett felt the general principal, ever since he has been a member of the Board, is that salaries, particularly of non-contract people, are reviewed after the first year. It is not uncommon, however, for a new employee to receive an increase after three or even six months. Chairman Bennett stated it is purely a matter of principle, because the Board has not reviewed other senior employees, such as the head of the Public Works Department or the head of Public Safety. Chairman Bennett feels all these employees should be reviewed at the same time. It has been the practice of the Board for the past six years that he has been involved to do so in November or December of each year.

Supervisor Bennington mentioned the fact that in the past, Chairman Bennett defined Hilltown Township as a "business", though he himself has always maintained that it is a "service organization". If Supervisor Bennington were to use Chairman Bennett's argument that it is a business, then an employee who is supervising other employees would be compensated to separate and expand their base line salary to distinguish between separate job titles.

Supervisor Fox recalls a former Township Manager who received raises every six months and other employees who have received three raises per year in the past. Supervisor Fox stated the money will come from the same contingency fund that covers those who ask for relief of permit fees and relief of Zoning Hearing Board fees.

Chairman Bennett abstained from the vote, but further explained that he agrees with everything Supervisors Fox and Bennington said about Mr. Horrocks' excellent job performance. Chairman Bennett feels his abstention from the vote is based purely upon a question of timing, and he would certainly have voted for this merit increase as of next January, when all other Township employees are considered for review. Chairman Bennett noted that last year, some employees did not receive any pay increase at all, but at least each employee had the opportunity to be considered.

M. PRESS CONFERENCE - A conference was held to answer questions of those reporters present.

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N. ADJOURNMENT - Upon motion by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously, the June 28, 1993 Board of Supervisors meeting was adjourned at 10:13PM.

Respectfully submitted,



Lynda Seimes
Township Secretary