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HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED PUBLIC MEETING
Monday, October 26, 1992
7:30PM

The meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr. at 7:32PM and opened with the Pledge of Allegiance.

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

Chairman Bennett announced the Board met in Executive Session with the Township Manager, prior to this meeting to discuss legal and personnel matters.

A. APPROVAL OF MINUTES -

Action on the minutes of the September 28, 1992 Board of Supervisor's Meeting:

On page three, Chairman Bennett noted the Board had discussed the Volunteer Fire Relief funds. This year, Chairman Bennett advised the total increased from \$55,000.00 to \$56,840.00, which is a gain of approximately 2.9% over the previous year. The Fire Commission will meet Thursday, October 29, 1992 to decide the distribution to the seven fire companies, which will be made within the next 30 days.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the September 28, 1992 Board of Supervisor's Meeting, as written.

Action on the minutes of the October 12, 1992 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 October 12, 1992 Board of Supervisor's Worksession Meeting, as written.

B. APPROVAL OF CURRENT BILLING -

Chairman Bennett stated there are two Bill's Lists for the Board's approval this evening. The first Bill's List is dated September 30, 1992 and totals \$36,113.33 of regular payments, with State Highway Aid payments in the amount of \$472.21, for a grand total of \$36,585.54.

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Chairman Bennett questioned a bill from Reese's Garage in the amount of \$1389.98 for police vehicle repairs, which he thought was a rather large amount for a car that is less than one year old. Mr. Horrocks believes this is Reese's monthly statement, which entails every single vehicle which is serviced.

Supervisor Bennington questioned the two bills for use of private vehicles for Township business. Since the Code Enforcement car is available, Supervisor Bennington wondered why that wasn't used for Township business. Mr. Horrocks stated those bills were either incurred by a police officer attending court or school, or one of the Administrative staff using their own vehicles to go to the bank or the post office. The Code Enforcement Officer's vehicle is rarely available to any Township employees, other than Mr. Applegate for his use to do either building or zoning inspections.

Chairman Bennett noted there are many bills from Wampole-Miller totalling approximately \$900.00. He thought the Township had a contract with this firm and wondered how much of these billings were for simply replacing light bulbs. Chairman Bennett presumes the bill in the amount of \$4,800.00 is for the controller being used at Rt. 113 and Bethlehem Pike. Without pulling the specific invoices, Mr. Horrocks cannot answer that, however he will look into it for the next meeting. Chairman Bennett commented the Township had a contract with Wampole-Miller approximately one year ago that was billed on a flat rate to maintain light repairs, etc.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bill's List dated September 30, 1992, subject to audit.

The second Bill's List is dated October 14, 1992 and totals \$153,857.54 of regular funds. The major item on this list is the Police Pension Plan to the Pennsylvania Municipal Retirement System in the amount of \$103,215.00, and also \$30,737.00 for the Non-Uniform Pension Plan.

Supervisor Fox questioned the bill from Copy World in the amount of \$900.00 for a maintenance agreement. Mr. Horrocks believes this payment is for a one year maintenance agreement. Supervisor Fox asked how old the copy machine is. Chairman Bennett replied the copy machine in the Administrative department is approximately 2 years old, and the lease is a four year agreement.

Chairman Bennett asked if the payment in the amount of \$326.48 to Metromedia Paging Service is the regular monthly cost, and also asked if it was working out as well as the Board had hoped it would. In regards to police and court time, Mr. Horrocks replied we are currently still waiting for a decision from Judge Garb. Chief Egly commented this system has helped somewhat.

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Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bill's List dated October 14, 1992, subject to audit.

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

Mr. Horrocks presented the Treasurer's Report with the following balances, as of October 22, 1992:

General Fund Checking Account	\$131,444.52
Payroll Checking Account	\$ 79.26
Fire Fund Checking Account	\$ 90,793.71
Debt Service Checking Account	\$119,794.00
State Highway Aid Checking Account	\$ 77,113.32
Escrow Fund Checking Account	\$115,424.10

Mr. Horrocks has also supplied for the Board with a review of the first three quarters of 1991 versus 1992.

Regarding revenues, Chairman Bennett noted it appears they are up \$34,400.00 for the first nine months and it appears expenses are also up \$84,200.00 for the same period, which is a difference of \$50,000.00. Mr. Horrocks explained those major items that the Township still has payable are far less than they were one year ago, particularly the Tax Anticipation Note, which we no longer have. Since this comparison is dated September 30, 1992, Chairman Bennett asked how revenues look in October, between Berkheimer and those received from the Tax Collector. Mr. Horrocks commented for the first half of the month, the Township is still "holding" a monthly total. Chairman Bennett commented he always worries about the fourth quarter revenues. Supervisor Bennington felt it was significant that police overtime and legal fees are down considerably over last year. The Board had made it a point, earlier this year, that the Township expected those fees to drop, and it has. Supervisor Bennington commended the Township Solicitor and the Police Department for their efforts.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Treasurer's Report, dated October 22, 1992, subject to audit.

D. RESIDENT'S COMMENTS ON AGENDA ITEMS ONLY: None.

E. CONFIRMED APPOINTMENTS:

1. Mr. Samuel Pierce - Lease Renewal - Friends of the Library - Mr. Pierce was in attendance on behalf of the library in Perkasio to request a three year lease of the former municipal building for use by the Friends of the Library. Mr. Pierce knows of no one who is a larger monetary contributor than the Friends of

the Library. Mr. Pierce commended the volunteers of this organization who work incessantly many hours a week to raise money for the library. If it was not for the Friends of the Library, the library would have ceased to exist a long time ago.

In addition, Mr. Pierce noted the total number of registered library card holders exceeds 17,000, with almost 25% of that number who are residents of Hilltown Township. Mr. Pierce stated there is an existing mortgage of \$25,000.00 on the library. The Friends of the Library are attempting to raise \$25,000.00, in addition to obtaining the lease of the former municipal building. If the Board of Supervisors would be so kind as to vote for a donation of \$1,000.00 to the library, Mr. Pierce feels they would be doing a great act of benevolence, not only for the library but for the residents of Hilltown Township.

Chairman Bennett commented the former municipal building has been turned over to the Park and Recreation Board of Hilltown Township. Mr. Horrocks recently attended a meeting of the Park and Recreation Board and the issue of the lease for the Friends of the Library was discussed. Once again, Park and Recreation has recommended a one year lease of the former municipal building, unless the Board of Supervisors desires to change that. Supervisor Bennington has supported the Park and Recreation Board every year, and he must do so again this year, by offering a one year lease. Supervisor Fox agreed, however he feels that a one year lease will always be available to the Friends of the Library, for many years to come. Chairman Bennett also agreed with the Park and Recreation Board to allow a one year lease, and informed Mr. Pierce that the situation will be reviewed every year.

In response to the second half of Mr. Pierce's request, concerning a \$1,000.00 donation, Chairman Bennett stated the Board will take this request under advisement for discussion during the budget planning process. As Mr. Pierce knows, Hilltown Township donated \$27,000.00 to the library previously, and came under fire from Township residents because of it.

2. Mr. Art Gentile - Complaint of car repairs being done on street - Mr. Gentile lives at 330 East Summit Avenue, right across the street from the Meadow Glen apartment complex. Apparently there is a policy at the complex that car repair work is prohibited in the parking lot area. Subsequently residents of Meadow Glen have been working on their vehicles on Summit Avenue in front of Mr. Gentile's home. These car repairs include not only oil changes, but major car repairs such as changing engines, etc. Mr. Gentile presented photographs to the Board of Supervisors for their review. There is currently a "No Parking" sign further up the street on Summit Avenue, and Mr. Gentile is hoping to have such a sign erected in front of his home. In the event that installation

of a "No Parking" sign is not possible, Mr. Gentile would hope to have the Board persuade Meadow Glen apartment complex to designate an area of their own parking lot for car repair work by their residents. Anything the Board of Supervisors could do to resolve this issue would be greatly appreciated by Mr. Gentile and his neighbors.

Supervisor Bennington advised the Board intends to advertise an Ordinance prohibiting the repair of vehicles on public streets in the very near future. Chief Egly commented exemptions will have to be made in the event of emergency repairs following vehicle break downs, etc.. Solicitor Grabowski will review the Ordinance and any suggested exemptions that may be made. The Police Department will receive a copy for review as well.

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

1. Mr. Horrocks thanked the press for their help in advertising leaf collection on the west parking lot here at the Township building.

2. After conducting interviews with applicants, the Planning Commission has unanimously recommended that Mr. H. Joseph Phillips, an architect, fill the vacant seat on that Board. Mr. Phillips will complete the term vacated by Ms. Carol Pierce until December 31, 1993.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to appoint Mr. H. Joseph Phillips to complete the vacant term on the Hilltown Township Planning Commission until December 31, 1993.

3. The Township has advertised for a Part-time Bookkeeper. After the interview process, Mr. Horrocks would like to recommend the appointment of Mrs. Lorraine Leslie as Part-time Bookkeeper for Hilltown Township. Mrs. Leslie has served on the Township's Board of Auditors this past year, and pending this appointment, Mr. Horrocks also has Mrs. Leslie's resignation from the Board of Auditors.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to appoint Mrs. Lorraine Leslie as Part-time Bookkeeper, with the further stipulation that advertisement take place to fill the vacant seat on the Board of Auditors.

Chairman Bennett mentioned Mrs. Leslie has been employed part-time by the Township in the Administrative Office throughout the summer months.

4. Mr. Horrocks presented the following six Escrow Releases for the Board's approval. All accounts are bank held.

Deerfield	Voucher #31	\$ 229.80
Hilltown Village	Voucher #12	\$ 299.35
Sterling Knoll II	Voucher #49	\$ 2,976.30
Stonycrest	Voucher #11	\$ 310.78
Vulcan Springs	Voucher #03	\$ 492.70
Vulcan Springs	Voucher #04	\$ 6,278.09

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to release the six Escrows as listed above.

5. Mr. Horrocks recommended that Sgt. Ashby Watts and Officer James Kane be permitted to attend the Pennsylvania Juvenile Officer Association Training Seminar. Supervisor Bennington asked if this training was budgeted. Mr. Horrocks replied that it was budgeted in the amount of \$517.50.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to permit Sgt. Ashby Watts and Officer James Kane to attend the Pennsylvania Juvenile Officer Association Training Seminar.

6. Hilltown Township has received a check in the amount of \$13,027.00 from Nationwide Insurance, which is the refund from Worker's Compensation.

7. For the Board's information, the Code Enforcement Officer, at the last Worksession meeting, had been directed to inspect the site located at 300 East Reliance Road. This was the site of a zoning complaint which was previously received. Mr. Applegate visited the District Justice office and was denied a zoning search warrant.

Supervisor Bennington asked how the Township can ever confirm that there is a zoning violation at this site if it can not be determined by a search warrant. Apparently, Mr. Horrocks noted, zoning search warrants are becoming very difficult to obtain. Chief Egly believes there are no specifications in the Zoning Officer's job description to authorize such a search warrant and since he has never been sworn in, the District Justice does not recognize Mr. Applegate's authority. Solicitor Grabowski also stated there is a new amendment to the Municipalities Planning Code which says that zoning violations are no longer criminal in nature, they are civil in nature, and for that reason, zoning search warrants cannot be approved. The Code Enforcement Officer can make a visible inspection of the outside of the premises, but that is all he can do.

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The Board directed Mr. Applegate to inspect the outside of the property located at 300 East Reliance Road.

6. There is a B.O.C.A. Code Appeal before the Board by Our Lady of Sacred Heart and School for their new addition. There are two items the applicant's architect would like to appeal under the B.O.C.A. Code. The Board of Supervisors is actually the hearing board on that appeal, and with the Board's permission, Mr. Horrocks suggested the hearing be held on Monday, November 9, 1992 at 7:00PM, before the Worksession meeting. This B.O.C.A. Code Appeal hearing will be advertised in a local newspaper. Solicitor Grabowski commented the B.O.C.A. Code amendment states that "a hearing shall be held within thirty days of receipt of a petition for an appeal or a request for a variance. All hearings shall be public and all persons shall be given the opportunity to be heard."

In the past, at least in the matters of Zoning Hearings that dealt with churches or non-profit groups, there has been a precedence within the Township to waive fees. Mr. Horrocks is asking the Board's direction, and advised the previous fee for similar matters has been \$300.00.

Supervisor Fox asked if a court stenographer is needed for this hearing. Mr. Horrocks replied minutes of this hearing can be transcribed from tape recordings.

Supervisor Bennington noted Mr. Applegate, Code Enforcement Officer, should be present at the B.O.C.A. Code Hearing.

Since there is no cost involved with a court stenographer, motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to waive the \$300.00 fee for the B.O.C.A. Code Appeal Hearing requested by Our Lady of the Sacred Heart Church/School.

7. There are several Ordinances the Board will be taking potential action on during the next few months including a Fire Arms Ordinance, the previously discussed Open Burning Ordinance, Car Repair Ordinance and the Neshaminy Creek Watershed Ordinance

8. The Board has had the opportunity to review the Emergency Management Plan for Hilltown Township. Corrections have been made to this document. At this time, if the Board is willing to approve that plan, a Resolution is required to be passed.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt Resolution #92-31 approving the 1992 Emergency Management Plan of Hilltown Township.

9. Mr. Horrocks advised negotiating meetings have taken place between the Non-Uniform Employee's Bargaining Unit and Hilltown Township. Mr. Horrocks is requesting that the Board approve a new three year agreement between these two parties.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the three year Non-Uniform Employees Agreement.

10. During the negotiation process, one of the items that developed was some apparent confusion as to who was covered under that bargaining unit. Mr. Horrocks is requesting the Board approve a Policies and Benefits Manual for Administrative and Clerical Employees of Hilltown Township. This will allow for clear delineation as to who is covered under which bargaining unit.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to approve the Policies and Benefits Manual for Administrative and Clerical Employees of Hilltown Township.

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

1. Fretz Enterprises has requested a temporary permit authorizing them to transfer recreational and other vehicles presently on their property, to the adjoining property owned by Turner Trucking. Mr. Horrocks believes this is due to Fretz Enterprise's construction on their site.

Chairman Bennett asked how long "temporary" is. Mr. Horrocks replied the letter from Fretz Enterprises does not define that. Supervisor Fox believes a time limit of up to one year is normally issued with a temporary permit. Mr. Wynn stated the Ordinance provides for a six month temporary permit, and allows two extensions for up to one year. Mr. Wynn suggested the Board authorize a six month temporary permit, and if Fretz Enterprises wishes to extend that time period, they must apply again.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve a six month temporary permit to Fretz Enterprises to utilize the neighboring Turner Trucking property to store their vehicles.

2. Correspondence has been received from Mr. and Mrs. Nick Jacobini requesting a modification to the B.O.C.A. Code regarding swimming pool fencing. Mr. and Mrs. Jacobini would like to install a swimming pool in their rear yard. At present, there are three rear yard neighbors who currently have fences right on the property line. The Jacobini's would like to incorporate those fences into the requirement of enclosing their pool with a fence. The

neighboring property owners have included affidavits stating they would not object to this request. Mr. Horrocks also asked the Board to consider that if the neighboring property owners sold their homes, the affidavits would no longer apply. The Board may wish to incorporate some sort of deed restriction on the Jacobini property.

The Board directed Mr. Horrocks to advise Mr. and Mrs. Jacobini that a deed restriction should be placed on their deed, advising that in the event their neighbor's fences are removed for any reason, they can be cited, given thirty days to cease using the swimming pool, or to replace the fence. Also, the deed restriction should cover the circumstances that if the Jacobini's should sell their property, this stipulation would be known to the new buyer.

3. Notice has been received from DER advising of a permit renewal application received from Alderfer and Frank.

4. A letter has been received from the Postal Service advising the Line Lexington Post Office is seeking a new site.

5. An informational bulletin has been received from the Bucks County Planning Commission concerning the implementation of the Neshaminy Creek Watershed plan. Mr. Wynn commented the County's model Ordinance must be tailored to Hilltown Township. This may also require some revisions to the Zoning and Subdivision Ordinances of Hilltown Township, with respect to stormwater management provisions.

Supervisor Bennington was concerned since the plan must be enacted by November 20, 1992. Solicitor Grabowski explained Section 680.12 of the Stormwater Act states "if the Department of Environmental Resources finds that municipalities fail to adopt, amend or implement such Ordinance, written notice shall be given to the municipality. Within sixty days of receipt the notice, the municipality should report to the Department the action it is taking to comply with the requirement. If within 180 days of receipt of the notice, a municipality has failed to comply with such requirements, the State Treasurer can withhold payment of funds to the municipality from the general fund."

Mr. Wynn suggested that he and the Township Solicitor should put together a draft for the Planning Commission's review, since it will also affect the Zoning and Subdivision Ordinances. In the interim, Mr. Horrocks could advise DER of our progress concerning this issue. The Board was in agreement with Mr. Wynn's suggestions.

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

1. Solicitor Grabowski presented the Herbert Hager Subdivision Development Agreement which provides for an escrow of funds for the required improvements on the Hager Subdivision. The required escrow is in the amount of \$44,940.57, and Mr. Hager has chosen to enter into a cash escrow agreement with Union National Bank for that amount of funding. There is also an executed Security Agreement signed by Mr. Hager and Union National Bank. Additionally, there was a Stormsewer Easement Agreement necessary, as well as a grading access easement from the Township, and a Deed of Dedication for the property on Rickert Road.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt Resolution #92-32 to accept the Deed of Dedication for the Hager Subdivision, to adopt Resolution #92-33 to Declare Public Purpose for the Hager Subdivision, and for overall acceptance of the legal agreements for the Hager Subdivision.

2. The next Subdivision agreements Solicitor Grabowski presented to the Board are for the minor Elizabeth Finkelstein Subdivision, located on Green Street.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt Resolution #92-34 to accept the Deed of Dedication for the Elizabeth Finkelstein Subdivision/Green Street, and to adopt Resolution #92-35 to Declare Public Purpose for the Elizabeth Finkelstein Subdivision/Green Street.

3. Solicitor Grabowski presented the Off-the-Wall Cabinetry Land Development Plan which consists of an addition to their existing building located on Bethlehem Pike. The applicant has chosen Bucks County Bank and Trust to be the escrow agent for their cash deposit in the amount of \$28,964.10. There was a requirement of the plan that the applicant offer a Parking Agreement by which the parking requirements of the Zoning Ordinance were decreased by 20%. This agreement has been executed. There is also an offer of Deed of Dedication for roadway frontage on Bethlehem Pike.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt Resolution #92-36 to accept the Deed of Dedication for Off-the-Wall Cabinetry Land Development, to adopt Resolution #92-37 to Declare Public Purpose for Off-the-Wall Cabinetry Land Development, and for overall acceptance of the legal agreements concerning Off-the-Wall Cabinetry Land Development.

4. Solicitor Grabowski presented agreements for the Balco Subdivision, located on Callowhill Road and Rt. 113. There is a cash escrow agreement to provide for the required improvements in the amount of \$1,245.50, and the Balco family has chosen to present a check directly to the Township for security. The actual plan is also available for signature following this meeting.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt Resolution #92-38 to accept the Deed of Dedication for the Balco Subdivision, to adopt Resolution #92-39 to Declare Public Purpose for the Balco Subdivision, and for overall acceptance of the legal agreements concerning the Balco Subdivision.

5. Mr. Horrocks had given Solicitor Grabowski correspondence from the Quaker Group, who is the developer of the Stonycrest Subdivision, which is located partially within Perkasio Borough and partially within Hilltown Township. The letter is a formal request for dedication of the public improvements to be conveyed to Hilltown Township, which would include some of the street network within the subdivision. Quaker Group has also presented a Maintenance Bond issued by First Indemnity Insurance Company of America dated October 21, 1992. Solicitor Grabowski does not believe the Township Engineer has had the opportunity to review the plan. Mr. Wynn noted maintenance work is not yet completed. Solicitor Grabowski would like to turn this information over to Mr. Wynn for his review. Mr. Wynn commented the Quaker Group has just paved the roads, however there are a number of small items which are incomplete. Mr. Wynn will update a punchlist, indicating what items still remain outstanding.

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

1. Pizza Hut (Preliminary) - Mr. Wynn explained Pizza Hut submitted a land development plan for an addition to their site located on Rt. 113 and County Line Road. The purpose of the addition was to provide more seating capacity and also to enlarge and improve the restrooms to meet handicap facility requirements. Mr. Wynn completed a review dated August 31, 1992 which raised a number of concerns consisting of two pages of items which were required to be included on the plan, but were not. In response to that review, Mr. Wynn received a call from Pizza Hut's architect, who is located in Kansas, and who does not have any copies of Township Ordinances. Since that time, the Township received correspondence indicating Pizza Hut was planning to hire a local engineer to submit a revised land development plan, however that has not yet been received by the Township. Because of the 90 day constraint, Mr. Wynn noted the Planning Commission recommended the plan be denied for non-compliance with submission requirements of the Subdivision/Land Development Ordinance. That denial would be

voided if an extension was granted by November 15, 1992, which is when the current review period expires.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to deny the Pizza Hut Land Development Plan due to non-compliance with submission requirements of the Subdivision/Land Development Ordinance, pending receipt of an extension by November 15, 1992.

2. Weikel Subdivision (Revised Final) - Mr. Wynn stated the Weikel Subdivision was a two lot plan located on Callowhill Road, that the Board of Supervisors previously approved. The linens Mr. Wynn is presenting this evening have been revised from the plans that were originally received at final approval.

Specifically, Ms. Cheryleen Strothers was before the Planning Commission last week and had indicated Mr. Weikel was having difficulties because the plans called for dedication of the right-of-way along the entire frontage of the property. This includes Lot #1, which is proposed to be a building lot, with Lot #2 containing the remaining 12 acres and is to continue as agricultural use. Because of the covenant under Act 319, Mr. Weikel is only permitted to transfer so much land per year, and the total of the lots plus all the right-of-way, exceeded the two acre limit. At this time, the revised plan proposes to dedicate only the right-of-way along the frontage of Lot #1. The Planning Commission has recommended approval since this plan is consistent with other plans for agricultural properties in the past.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the revision to the Calvin Weikel Subdivision final plan, and allow the other improvements on Lot #2 to be completed when Lot #2 is developed.

3. Anders Carpets (Final) - This past summer, the Supervisors approved a preliminary plan for Anders Carpets, which is located on Bethlehem Pike, across the street from Central Avenue. This land development plan proposes connection to both public water and public sewer from Telford Borough Authority. The plan received preliminary approval and the applicant has subsequently submitted final plans. The plan meets all conditions of preliminary approval, with the exception of several items, which were recommended by the Planning Commission, to be conditions of final approval. Those conditions include receipt of a PennDot permit for access to the site, curbing and stormwater improvements, installation of the property monumentation and certification, dedication of Bethlehem Pike right-of-way to the Township, and an escrow agreement to guarantee public improvements. The public improvements include the improvements along the frontage, the retention basin, and buffer plantings along the residential and

commercial district boundary lines. The property is zoned Planned Commercial I, and has an existing house which is to remain Residential.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to approve the Anders Carpets final plan with the conditions as stated by the Planning Commission and Mr. Wynn.

4. Toth Subdivision (Preliminary) - Mr. Wynn explained this is actually a re-subdivision of Lot #3 of the Hawk Ridge Subdivision, which was approved several years ago. Under the previous subdivision, this lot contained 30+ acres and an existing farm with frontage along Swartley Road up to Keystone Drive, and on the newly constructed Rosie Lane.

This plan proposes to subdivide that larger lot into three lots. Lot #3 consists of 2+ acres and would be located at the intersection of Keystone Drive and Rosie Lane. Lot #2 consists of 8+ acres and has frontage on Rosie Lane, and also contains the retention basin, which is the permanent pond on that property. Lot # 1 contains 20+ acres and contains the existing farmhouse and barn, and fronts on Swartley Road. The proposed lots are to be serviced by North Penn Water Authority for public water. On-lot sewage is proposed for all lots.

The applicant has requested a waiver of street improvements along the frontage of Rosie Lane and Keystone Drive. Since Rosie Lane was constructed in the late 1980's during the Hawk Ridge Subdivision as a 26 ft. wide roadway with grass shoulders, and improvements were made at that time to the intersection of Rosie Lane and Keystone Drive, the Planning Commission felt there was no need to add further street improvements to either Rosie Lane or Keystone Drive. The applicant is also requesting a waiver from doing 2 ft. interval contours on the plan, due to the nature of the subdivision, however they did provide survey information along the frontage where the driveways will be constructed. The Planning Commission recommended the preliminary plan be approved, subject to the outstanding items of the engineering review dated October 7, 1992. These outstanding items include verification by the County for erosion control, installation of property pins at the new corners, approval from the North Penn Water Authority for public water, approval of Planning Modules by the Township and DER, and some minor plan drafting items.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to approve the Toth Subdivision preliminary plan, subject to completion of the items in Mr. Wynn's engineering review letter, and the recommendations of the Planning Commission.

5. BOCN Subdivision (Preliminary) - This plan is also a re-subdivision of a lot in the previously approved BOCN Subdivision, located on Hilltown Pike. The site is the former PennDot maintenance yard. This plan proposes three lots subdivided from the larger parcel, with all lots containing five or more acres. The lots are to be serviced by a single driveway to be constructed from Hilltown Pike, with one stream crossing, and the homes are to be built in the rear of the property.

Supervisor Bennington wondered how the applicant thought they would be able to obtain approval from DER for a stream crossing when the Township has been trying for many years to obtain a permit from DER to cross the wetlands within the Pleasant Meadows Subdivision. Mr. Wynn explained there is something called a General Permit #7, which allows a wetland crossing provided you do not encroach more than 1/10th of an acre onto the wetlands. Pleasant Meadows does not qualify for General Permit #7, since there would be disturbance of a 1/2 acre of wetlands. Therefore the Pleasant Meadows box culvert has to go through the entire permit application process to be approved, including review by the Army Corp. of Engineers and DER. General Permit #7 is a very short procedure. The applicant does not yet have approval from DER, but Mr. Wynn stated it appears, on the surface, that this proposal would qualify for General Permit #7.

Mr. Wynn advised the block that was created under the prior subdivision will also be tied into the common driveway, so that all four properties will take access onto Hilltown Pike. All of the lots have required frontage along Hilltown Pike. Mr. Wynn explained the reason for the common driveway was due to the stream crossing.

The properties are to be served by on-site wells and sewage disposal. The Planning Commission recommended preliminary approval, subject to the outstanding items in the October 9, 1992 engineering review letter. There is one exception, however, because under the Ordinance, there is a requirement for a Class B buffer which results in the need to plant five canopy trees and six evergreen trees along the frontage of Lot #1. That area is the only area which is not wooded. Part of that frontage is also a right-of-way for Philadelphia Electric and therefore, trees cannot be planted. Mr. Wynn noted there was some discussion at the Planning Commission meeting on whether or not to add more trees elsewhere on the site. The applicant has agreed to construct a berm to discourage further dumping on the site. During completion of the former BOCN Subdivision, the Board may remember that there was a large amount of trash and debris dumped on this property. It is the Planning Commission's feeling that there needs to be some physical obstruction on the site to prevent the dumping from occurring again. At present, there is an old fence along the

property line that PennDot had constructed when the Township had complained about the dumping.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to approve the BOCN Subdivision, pending completion of the conditions as stated by the Planning Commission.

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

1. Garges Land Development - This plan required improvements consisting of installation of trees and a retention basin which have been completed. There is still some erosion occurring in the retention basin, however Mr. Wynn noted that is basically a maintenance item. Mr. Wismer, the applicant, has requested that the Township accept the improvements at this point and allow him to reduce the required surety to 10% and commence the 18 month maintenance period.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to allow Garges Land Development to reduce the required surety to 10% and to commence the 18 month maintenance period.

2. Freed Subdivision - Mr. Wynn stated this subdivision required the installation of a buffer yard along the frontage of Church Road. The house was constructed and the buffer trees were installed, however two of the trees have since died. Mr. Wynn notified the applicant of this in September, and thought the trees would be replaced by this time, however they have not been. The technical time frame for completion expires before the Board's next meeting. The guarantee is cash and Mr. Wynn would like to follow-up with the applicant again to see if this can be resolved by the Supervisor's next meeting. The Board was in agreement.

3. Vulcan Springs Land Development - This Land Development is located on Schoolhouse Road and is an addition to the Vulcan Springs manufacturing facility. There were public improvements that consisted of construction of a retention basin in the rear, which was actually a relocation of a basin that was constructed under a prior land development plan. That basin was completed and the applicant has requested that they commence their 18 month maintenance period. Mr. Wynn believes the applicant has just received a Use and Occupancy permit.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to commence the 18 month maintenance period for the Vulcan Springs Land Development.

4. Pleasant Meadows Box Culvert - The Township has received a copy of the proof of publication of the proposed permit for construction of the Pleasant Meadows Box Culvert. There is a 30 day comment period prior to the issuance of the permit by the Army Corp. of Engineers for the construction of the box culvert. The Board may recall that it was December of 1991 when the Department of Environmental Resources issued their State permit. Since that time, the Army Corp. of Engineers has been reviewing the information that DER previously reviewed which required some further revision, including some enlargement of the mitigation area. At this point, Mr. Wynn understands there is 60 days in which the Army Corp. of Engineers can issue or deny the permit. In addition to the public comment, there is also an opportunity for the Environmental Protection Agency and the U.S. Department of Wildlife to issue any comments. For the Board's information, Mr. Wynn noted the construction on that bridge stopped in February of 1987.

5. Rt. 113/Bethlehem Pike Traffic Signal - Mr. Wynn advised the Rt. 113/Bethlehem Pike traffic signal conditions of permit plan provides for a painted taper on the northbound side of Rt. 113 approaching the intersection. This is to force all traffic from the center lane to the right lane, then back to the center lane for a left hand turn. That taper has not yet been painted and never has been. Mr. Wynn has contacted PennDot about the possibilities of making some revisions due to a few concerns. One concern being that many motorists planning to make a left turn at the light tend to get in the left lane and stay in it all the way to the intersection. This creates a bottleneck, forcing all vehicles into one lane. Additionally, not far from where motorists must begin to force themselves over, there is a stormwater problem which creates sever flooding in that area at times.

The Township has been advised, by the Traffic Signal Department of PennDot, that they will revise the permit, however it will require the Township to install an overhead mast with signage to alert motorists of the turn lane and the through lane. Mr. Wynn stated the reason is because you cannot sign a center lane on the opposite side of the lane, under current PennDot regulations. This is because if a motorist is in the center lane, they would not see the signs on the right hand side. Depending on the actual length of the mast arm, Mr. Wynn advised the cost for overhead mast and signage would be approximately \$3,000.00 or \$4,000.00. Supervisor Bennington asked what PennDot can do to enforce this. Mr. Wynn replied PennDot wishes to know whether the Township is interested in installing the overhead mast arm, and if not, a revision will not be made to the condition diagram. Technically, the Township's permit is in Hilltown Township's name, and we are responsible for all the line markings, paintings and signage at the intersection. Chief Egly commented the Township could ultimately be responsible

if there was an accident at this intersection if the proper signage and markings are not in place. Discussion of other alternatives took place. Supervisor Bennington suggested painting a turn arrow in the left lane as far back as traffic has ever been backed up. Mr. Wynn stated this idea has already been suggested to PennDot by his office, but it can certainly be pursued again, if that is what the Board wishes. The Supervisors were in agreement to direct Mr. Wynn to suggest this idea to PennDot again.

6. Bridle Run Subdivision - Mr. Wynn received correspondence from Farm and Home regarding Bridle Run Subdivision. The applicant's time frame for completion of improvements at the subdivision off Central Avenue is November 14, 1992, although their Letter of Credit does not expire until March, 1993. The applicant has indicated they are requesting a further extension of their Letter of Credit from Philadelphia National Bank. From the Township, the applicant is requesting two things, one of which includes an extension on the time frame to complete the improvements, since there are presently so few homes constructed within the development. The second request the applicant is making of the Township is to reduce the Letter of Credit, because they feel it is in excess of the work not completed and feel it is imperative that some corrective action be taken in this matter. Mr. Wynn has reviewed the account and does not believe any corrective action is necessary. Mr. Wynn feels the applicant is not aware that in addition to funds to complete the improvements, the largest of which is the wearing course of the roadway, there has also been 10% withheld on all work that has been completed. With the Board's authorization, Mr. Wynn will explain this to the applicant. The Board was in agreement with Mr. Wynn's suggestion.

K. RESIDENT'S COMMENTS -

1. Mrs. Jean Bolger - Mrs. Bolger questioned the proposed Burning Ordinance which was mentioned earlier. Chairman Bennett explained a Burning Ordinance has not yet been enacted, it is simply being discussed. The main purposes of this Ordinance would be to keep fires from burning out of control, from fires being unattended, from burnings of certain items such as tires and oil, and from burnings taking place at night. Chairman Bennett stated the Board has been reviewing similar Ordinances enacted by other municipalities, and feels such an Ordinance would be beneficial to all Township residents. The local fire department has also recommended that when residents plan to burn, they should notify them so that false alarms are not reported.

Mrs. Bolger asked if the Non-Uniform Agreement which was approved earlier this evening, was budgeted. Chairman Bennett replied the Non-Uniform Agreement was not budgeted because it becomes effective in 1993 for a three year time period.

L. SUPERVISOR'S COMMENTS -

1. Supervisor Bennington asked for an update of the latest information on the Santos Subdivision. Supervisor Fox explained the Santos family was represented by their attorney at the last Planning Commission meeting. The Ordinance's definition of a "private road" is now being met and the Planning Commission felt the Zoning Hearing Board decision of 1989 was void because the definition of a "private road" now complies and is being met. Originally, the Planning Commission had recommended denial of the Santos Subdivision due to non-compliance, however upon further review of the Zoning Hearing decision of 1989, the Planning Commission changed their recommendation to approval of the Santos Subdivision.

2. Supervisor Bennington asked Mr. John Snyder, Chairman of the Zoning Hearing Board, what the final decision of the Fulginitti appeal was. Mr. Snyder replied that appeal was granted because the Zoning Hearing Board felt there was no further encroachment. The full, written decision should be released shortly.

3. Motion was made by Supervisor Bennington, seconded by Chairman Bennett, and carried unanimously to direct Mr. Horrocks to advertise for possible action at the November 9, 1992 and December 14, 1992 Board of Supervisor's Worksession meetings, due to the workload.

4. Chairman Bennett announced that Candidate's Night, sponsored by the Hilltown Civic Association, will be held on Tuesday, October 27, 1992 at 8:00PM here at the Township Building. The public is welcome to attend and refreshments will be served.

5. Last week, Chairman Bennett was invited to speak at the Silverdale Fire Company ceremony for the dedication of their new engine. The Silverdale Fire Company presented the Board of Supervisors with a Certificate of Appreciation plaque, which will be placed in the lobby display case. Chairman Bennett was disappointed that there was no representatives of the Hilltown Fire Company present at this ceremony, since there were at least 10 other fire companies in attendance.

6. With winter approaching, Chairman Bennett has noticed a large number of walkers and joggers on Hilltown's two lane roads after dark wearing no fluorescent clothing. Chairman Bennett asked the press to urge residents to dress appropriately for being on the roads after dark.

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 October 26, 1992 Board of Supervisor's meeting adjourned at 9:25PM.

Respectfully submitted,

Lynda Seimes

Lynda Seimes
Township Secretary