

HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
REGULARLY SCHEDULED PUBLIC MEETING  
Monday, August 24, 1992  
7:30PM

The meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr. at 7:30PM and opened with the Pledge of Allegiance.

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

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

A. APPROVAL OF MINUTES:

Action on the minutes of the July 27, 1992 Board of Supervisor's Meeting:

Supervisor Bennington noted that since he was not present at the July 27, 1992 meeting, he could not comment on the minutes.

Motion was made by Supervisor Fox and seconded by Chairman Bennett to approve the minutes of the July 27, 1992 Board of Supervisor's meeting, as submitted. Supervisor Bennington abstained. Motion passed.

Action on the minutes of the August 10, 1992 Board of Supervisor's Meeting:

Supervisor Fox cited page 4, second paragraph, stating that the word "apprehension" should be "apprehending".

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the August 10, 1992 Board of Supervisor's meeting, as corrected.

B. APPROVAL OF CURRENT BILLING:

Chairman Bennett stated there are two Bill's Lists for the Board's approval this evening. The first is dated August 5, 1992 and totals \$13,488.34 of regular payments, with Escrow Fund payments in the amount of \$1,112.85, for a grand total of \$14,601.19.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bill's List dated August 5, 1992, subject to audit.

1299

Page 2  
Board of Supervisors  
August 24, 1992

The second Bill's List is dated August 19, 1992 and totals \$28,363.69 of regular payments, with State Highway Aid payments in the amount of \$529.37, for a grand total of \$28,893.06.

Chairman Bennett noted the major payments on this particular list was a bill in the amount of \$4,110.10 from the Township Solicitor's Office. Two other large bills were from Nationwide Insurance for Liability Insurance in the amount of \$8723.00, and \$4,063.00. There is also a bill for employee life insurance in the amount of \$2,038.20 from Trustees Insurance.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bill's List dated August 19, 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 July 31, 1992:

General Fund Checking Account	- \$ 56,784.81
Payroll Checking Account	- \$ 203.33
Fire Fund Checking Account	- \$ 88,446.68
Debt Service Investment Checking Account	- \$ 112,873.26
State Highway Aid Checking Account	- \$ 131,084.82
Escrow Fund Checking Account	- \$ 116,075.57

Chairman Bennett clarified that the Fire Fund Checking Account, which is presently \$88,446.68, following the first six month payment made to the Fire Departments, and after the second six month payment which will take place in December, will leave a balance in the account of approximately \$46,000.00. Chairman Bennett noted that is the highest the Fire Fund Reserve has ever been.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington and carried unanimously to accept the July 31, 1992 Treasurer's Report, subject to audit.

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

E. CONFIRMED APPOINTMENTS -

1. Mr. Christopher Schubert - Roach Subdivision - Mr. Schubert was not in attendance at this time.

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

1. With the Board's permission, Mr. Horrocks would like to attend a seminar on September 23, 1992. The title of the seminar being held by DCA is "Archives and Records Management", and the cost is \$35.00. The Board was in agreement to Mr. Horrocks' request.

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

Broderick	Voucher #28	\$3,892.51
Cefelli	Voucher #12	\$ 984.93
Cefelli	Voucher #13	\$5,245.63
Deerfield	Voucher #30	\$ 216.25
Garges (Car Wash)	Voucher #03	\$ 364.10
St. Philips Church	Voucher #05	\$ 221.20
St. Philips Church	Voucher #06	\$4,286.11

Mr. Wynn mentioned the Broderick Subdivision was completed over one year ago. The Township had completed the work and during the 18 month maintenance period, did some additional work on the curbing. Even though the maintenance period had been completed, there was never a request for release of funds from the applicant. However, at this time, Mr. Wynn has received a request for release of funds from the applicant's attorney.

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

3. The Park and Recreation Board of Hilltown Township has made a recommendation to the Board of Supervisors. Recommendation #92-9 states:

"The Park and Recreation Board recommends that the Township run electrical service to the Civic Field underground, and that the amperage of the service be increased. These improvements are recommended to improve safety, conform to Township code for new electrical installation, and to enhance the aesthetic qualities of the site, and to allow for future development and use of the site".

Mr. Horrocks commented the Park and Recreation Board feels very strongly about this issue, and the expense involved, which is approximately \$3,500.00 to complete the work.

Chairman Bennett stated when this issue was brought up at a previous meeting, he did not feel it was a high priority item at the time. His opinion has not changed.

1301  
Page 4  
Board of Supervisors  
August 24, 1992

Supervisor Fox visited the site and feels the Park and Recreation has just cause to be concerned about the looks, the height, and the fact that our own Ordinance states that when corrections are made to amperage and/or voltage, or new lines are added, they should be underground.

Supervisor Bennington noted he was initially opposed to spending \$3,500.00 for underground lines when they could be placed aboveground. However he attended the last Park and Recreation Board meeting, and they were able to convince Supervisor Bennington that for safety and aesthetic reasons, it is a minimal price to pay.

Chairman Bennett added that funds were provided in the Park and Recreation budget previously.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to allow the Park and Recreation Board to spend those monies by placing electrical service underground at the Civic Association Field to help improve the looks of the field.

4. The Township has received correspondence from Ms. Carol Pierce advising that she was reluctantly resigning from the Hilltown Township Planning Commission, stating personal reasons. Mr. Horrocks asked the Board if they wished to advertise this vacancy in a local newspaper.

Supervisor Fox added that there are two vacancies on the Recycling and Environmental Concerns Committee.

The Board directed Mr. Horrocks to advertise all three vacant positions.

5. Now that Mr. Wynn's office has been charged with reviewing the Zoning Ordinance, along with the Planning Commission, Mr. Horrocks wished to clarify who should receive copies of revisions made to this document. Mr. Horrocks had send approximately 70 pages of revisions made by the Planning Commission to Mr. Wynn. Mr. Horrocks would like to know if the entire Planning Commission should also receive copies of these revisions.

Supervisor Fox suggested that the Chairman of the Planning Commission receive a copy, and allow him to make copies for those Planning Commission members who attend the Work Session meetings. The Board was in agreement.

6. At the last meeting, Mr. and Mrs. Philip Bennett were present to review a situation they had with their home and it's

Page 5  
Board of Supervisors  
August 24, 1992

rental units. Since that time, the Township is in receipt of two notarized letters from neighboring property owners verifying how long the Bennett's apartments had been used as rental units. Mr. Applegate has visited the site to measure the rental units and to determine how many there are. Mr. Horrocks asked if the letters submitted would be sufficient to direct the Code Enforcement Officer to register the non-conformities for Mr. and Mrs. Bennett.

Personally, Chairman Bennett felt that would be sufficient. He can vouch for the fact that there were tenants at that property in 1967. Supervisor Bennington agreed with Chairman Bennett, and felt the situation should be expedited since the Bennetts have a scheduled settlement date of September 9, 1992. Supervisor Fox agreed with the other Board members.

An almost identical request was also discussed at the same meeting, from Mr. and Mrs. Landes. Mr. Horrocks received two letters today, one from a previous owner of the property verifying that the apartments were used as far back as 1972, and one from a person who lived in one of the apartments as a child as far back as 1956 or 1959.

Mr. Horrocks would like to investigate this particular situation a bit further, seeking more information, unless the Board is willing to accept these corroborations as well.

Supervisor Fox has some concerns about this situation. In these two cases alone, there are four rental units of which the Township had no knowledge of. Most likely taxes were never paid for the apartments, and they were probably never included in the census. This is a concern Supervisor Fox has with non-conforming uses, and he feels there must be some way to determine whether these rental units existed before zoning. Supervisor Fox would personally like to see more proof in this case. Chairman Bennett agreed with Supervisor Fox, stating the one letter verifies use of the property only back until 1972, though zoning came into effect in 1959.

Supervisor Bennington asked if Mr. and Mrs. Landes were under any time constraints. Mr. Horrocks replied they were also scheduled for settlement on September 9, 1992.

Chairman Bennett felt this was a bit different from the Bennett's situation, and suggested more research should be done on the matter.

Supervisor Bennington asked if Mr. Applegate investigated the Landes' property. Mr. Horrocks replied that he did not. The first step the Board had required in both instances, was that the Township requested a written response verifying dates of how long

1303  
Page 6  
Board of Supervisors  
August 24, 1992

the rental units had been in existence. The written responses received for the Landes property were only received this date. Mr. Applegate did not have the opportunity to investigate the site. Supervisor Bennington asked Mr. Horrocks to direct Mr. Applegate to visit the property and to investigate it further.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously that if proper verification of the written information received by the Township can be found concerning the Bennett property, that it be accepted and the Code Enforcement Officer declare it a legal non-conformity and register it as such. This is to be done expeditiously to meet the projected September 9, 1992 settlement date.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to direct the Code Enforcement Officer to expeditiously investigate the Landes' property further, and suggest that the situation not be approved until more proof is found.

7. Concerning Mr. Fulginitti's previous request, Mr. Applegate and Mr. Horrocks thoroughly investigated the applicant's zoning permit application in regards to the Zoning Ordinance. Neither could find anything for the Code Enforcement Officer to base an overturn of his original decision regarding Mr. Fulginitti's permit application. Both Mr. Applegate and Mr. Horrocks attempted to find a mechanism in which they could do that. Mr. Horrocks feels the only suggestion that can be made to Mr. Fulginitti at this time is that he must appear before the Zoning Hearing Board to seek a waiver.

Supervisor Fox was in agreement and stated this is what should have taken place from the beginning. Each of the Board members has honestly attempted to find a legal way to help Mr. Fulginitti with his problem. Unfortunately, there is no way to get around the zoning requirements, and Supervisor Fox feels he must appear before the Zoning Hearing Board to seek relief.

Supervisor Bennington asked Solicitor Rice if there was any legal way, through the Zoning Ordinance, that the Board could grant Mr. Fulginitti a waiver without appearing before the Zoning Hearing Board. Solicitor Rice stated that is not possible because the Code Enforcement Officer has already rejected Mr. Fulginitti's application. As Mr. Horrocks previously explained, Mr. Applegate has thoroughly reviewed the Zoning Ordinance. There are a few conflicting provisions in the present Zoning Ordinance, that hopefully, after it's revision process, will be corrected. Solicitor Rice recalled from last month's meeting that Mr. Fulginitti was concerned about remitting the Zoning Hearing Board fee, yet possibly not receiving the approval. In Solicitor Rice's

view, this is a minor variance request which the Zoning Hearing Board routinely grants. The Board of Supervisors may want to consider correspondence to the Zoning Hearing Board in support of Mr. Fulginitti's request, on the basis that there are inconsistencies in the Zoning Ordinance; and that it is a minor request. Supervisor Fox agreed that the request was minor, except if the ultimate right-of-way goes further than the encroachment on the house. If that is the case, someday, if the road is widened, the municipality will have to pay more money to remove the house. Almost every road, including State roads, have homes that are situated in the ultimate right-of-way. It is Supervisor Fox's feeling that the Zoning Hearing Board has to look at where the right-of-way line, and the setback line is located.

This evening, Supervisor Bennington commented, the Board has made two allowances in the case of the Bennetts and the Landes', based upon them going back so far in time and a non-conformance. Supervisor Bennington asked if Mr. Fulginitti's case wouldn't also fall into the "non-conformance" situation that the Bennetts and the Landes' do. Supervisor Bennington feels it is unfair to direct an elderly resident, such as Mr. Fulginitti, to spend \$500.00 to appeal to the Zoning Hearing Board. Solicitor Rice stated if the Zoning Ordinance requires certain specifications, those specifications must be met.

Supervisor Bennington and Chairman Bennett would be willing to sign correspondence to the Zoning Hearing Board showing their support in granting Mr. Fulginitti relief for his request. Supervisor Fox would agree to sign the correspondence as well, as long as the request did not infringe on the ultimate right-of-way of the road.

Mr. John Snyder, Chairman of the Zoning Hearing Board, suggested that the Board consider either waiving or reducing the Zoning Hearing Board application fee for Mr. Fulginitti. Supervisor Fox felt by reducing or waiving the fee in this instance, the Township would be setting a precedent. Mr. Snyder felt there was already a precedent set for waiving or reducing fees.

The Township, at any given Zoning Hearing, could take a stand yet not influence the Zoning Hearing Board, just by being present. If the Board feels that correspondence showing their support of Mr. Fulginitti's appeal would influence the Zoning Hearing Board unduly, Mr. Horrocks suggested that he, as the Township Manager, could attend that meeting, should Mr. Fulginitti choose to appeal, to strongly state the Supervisors support for his waiver request. The Board was in agreement with Mr. Horrocks suggestion.

G. CORRESPONDENCE -

1. A letter was received from Community Development advising funds have been received from HUD, and we can now proceed with the implementation of the historical preservation project, which includes roofing and pointing.

2. A request has been received from the Souderton Area Midget Football Association concerning holding a bonfire. In the past, the Midget Football Association has held bonfires with the Township's permission, as well as notification of the Telford Fire Marshall and Fire Chief. The correspondence does not specifically state where the bonfire will be held. The Board directed Mr. Horrocks to discover the exact location of the event, though they have no objections to the bonfire as long as the Telford Fire Marshall and Fire Chief are notified.

3. Correspondence was received from Highland Hill Farm, stating they will be in the business of providing pick-up service for leaves, grass clippings, and other compostable materials. Mr. Horrocks will forward the letter to the Recycling and Environmental Concerns Committee for their thoughts and recommendations.

4. On September 24, 1992, the Bucks County Opportunity Council will sponsor it's quarterly Surplus Food Distribution here at the Township building from 2:00PM to 4:00PM.

5. Several meetings ago, a request was received from Perkasie Borough to show our support in their attempt to lower the speed limit on Walnut Street/Rt. 152. Mr. Horrocks sent a letter to PennDot in regards to that. PennDot denied the request to reduce the speed limit. Mr. Horrocks will advise Perkasie Borough that Hilltown Township attempted to support them in their request, however it was not granted.

6. More correspondence has been received from Del Val Soil and Environmental Consultants concerning the proposed bridge in Pleasant Meadows. Mr. Horrocks asked Mr. Wynn if the proposal has ever been advertised, as the Township thought it would be, approximately 4 months ago.

Mr. Wynn stated he is confused and frustrated by the entire process. In early July, Mr. Wynn contacted Mr. Glenn Garis to learn the status of the bridge, and Dr. Cordrey to obtain a copy of the advertisement. Mr. Wynn never received a response from Dr. Cordrey, though Mr. Garis advised that the Army Corp. of Engineers has requested additional information again. Mr. Wynn asked Mr. Garis and Dr. Cordrey to send a copy of the correspondence from the Army Corp. of Engineers specifying the additional information that is required. A copy of the correspondence was never received.



Instead, Mr. Wynn received a letter from Dr. Cordrey of Del Val Soil and Environmental Consultants to the Army Corp. of Engineers which discusses some prior communication, and stated that Urwiler and Walter will again complete more survey work on the site. The problem is that Hilltown Township is "being left in the dark" as far as correspondence from the Army Corp. of Engineers. The last time that there was additional information required, it took four months before the engineer, Urwiler and Walter, proceeded with gathering the requested field information.

Mr. Wynn suggested that he, Solicitor Rice, and Mr. Horrocks hold a meeting with Mr. Garis, Dr. Cordrey and a representative of Urwiler and Walter, in an attempt to expedite the process. Mr. Wynn would like to receive all the information from the Army Corp. of Engineers, which the Township is not receiving at this time. Mr. Wynn has asked all agencies many times for copies of this correspondence, to no avail. Apparently, the Army Corp. of Engineers is requesting additional field work concerning dredging of Pleasant Springs Creek, because they have a new employee involved with the project. This project originally began in February of 1987, and we are now approaching the sixth year of it going through the Army Corp. of Engineers. When the DER permit was approved, Mr. Wynn facetiously said, that he hoped the Army Corp. of Engineer permit was received before the DER permit expired. The DER permit was issued in November of 1991, and expires after two years. The Army Corp. of Engineers has lost the project file several times, and they continue to ask for additional information.

Supervisor Bennington asked who Dr. Cordrey is. Mr. Wynn replied he is the wetlands expert for Del Val Soil Environmental Consultants, Inc., who is employed by Glenn Garis to secure the permit. Supervisor Bennington suggested sending a letter to Mr. Garis and Mr. Cordrey advising of a deadline to straighten out the situation. Supervisor Bennington lives in the area of the proposed Pleasant Meadows bridge and is constantly fielding complaints from his neighbors concerning it.

Solicitor Rice commented that Mr. Wynn does not have any control over what Urwiler and Walter or Dr. Cordrey is doing to rectify the situation. Solicitor Rice wondered if there was any way the Township Engineer could assume control of the project to submit directly to the Army Corp. of Engineers for the necessary permits. Mr. Wynn noted the Army Corp. of Engineers responds to Glenn Garis and Tom Cordrey, not the Township, so therefore we are not receiving any of the information from that end. Solicitor Rice asked if Mr. Garis would allow Mr. Wynn to finish out the permitting process. Mr. Wynn replied that the Township does not have any of the documents in their possession. Solicitor Rice suggested all the pertinent documents should be transferred to the Township.

1307  
Page 10  
Board of Supervisors  
August 24, 1992

Supervisor Fox asked what legal right the municipality has to be involved more directly with the permitting process. Solicitor Rice thought perhaps health, safety and welfare would apply, since this bridge would be the second access to the Pleasant Meadows development. Solicitor Rice suggested contacting Mr. Garis and asking if he would willingly allow the Township to take the lead on the this, since obviously his people are not doing the job. The permitting process is a long, drawn out process, however it should not be a six year process for this type of a project.

Supervisor Bennington asked if the funds to construct this bridge will come from an escrow account or a letter of credit. Mr. Wynn replied it is cash being held by a bank in the name of Hilltown Township. Mr. Garis cannot access these funds unless the Township provides a release. The amount involved is approximately \$109,000.00.

Chairman Bennett wondered if it would benefit the Township to approach representatives in Washington to facilitate completion of the project. Mr. Wynn replied the Township did that once, in 1989, and the reaction was the Army Corp. of Engineers immediately "lost" our file.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize a meeting between Solicitor Rice, Mr. Wynn and other Township officials, with Mr. Garis, his engineer, and Dr. Cordrey, and to investigate the expeditious completion of the bridge for Pleasant Meadows.

7. Correspondence was received this date from the Bucks County Planning Commission, including a copy of the Bucks County Community Facilities Plan, which is on file at the Township office. Also received was Volumes 3 and 4 of the Neshaminy Creek Watershed Stormwater Management Plan.

H. SOLICITOR'S REPORT - Mr. John Rice, Township Solicitor - Solicitor Rice had nothing to report at this time.

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

1. Finkelstein Subdivision (Green Street) - Mr. Wynn explained the site is located on Green Street, near the intersection of Hilltown Pike, and is in the Rural Residential Zoning District. It is a 30 acre tract being subdivided into two lots. One lot is proposed as a 5 acre building lot, and one lot is approximately 25 acres. Both lots are to be served by on-site water and sewer. There are some potential wetlands on the larger lot. Much of the property is overgrown farm land. The larger lot is proposed to remain in Agricultural Use. The Planning Commission

recommended final plan approval of the minor subdivision subject to verification of Erosion and Sedimentation Control Measures by the Bucks County Conservation District, installation of property pins and monuments, approval of Planning Modules by DER, as well as adding notes #8 and #9 of sheet two of 2 to sheet one of 2, which is the plan that will be recorded. Discussion also took place concerning the potential wetlands on Lot #2, and the requirements for underground utilities. The right-of-way is offered to the Township for dedication. All public street improvements were requested to be waived, and were recommended to be waived by the Planning Commission.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to approve the final plan of Finkelstein Subdivision (Green Street) subject to the conditions as stated by the Planning Commission and Mr. Wynn.

2. Weikel Subdivision (Minor) - The site is located on Callowhill Road in the Rural Residential Zoning District, between Rt. 113 and South Perkasio Road. Currently the property is farm fields and woodlands including pasture. Lot #1 is proposed as a building lot containing approximately 57,000 sq. ft.. Lot #2 will be the remaining parcel containing approximately 12 acres, and will continue as Agricultural Use, as noted on the plan. The proposed building lot is to be served by on-site water and sewer. The applicant had requested a waiver of street improvements along the frontage of the tract, and this was recommended for approval by the Planning Commission. However the Planning Commission did not grant a complete waiver of all street improvements. Instead of providing street improvements at this time, the Planning Commission recommended a note be added to the plan indicating that in the event that Lot #2 is further subdivided, subsequent to the rezoning of this tract to Country Residential, the owner of Lot #2 will be responsible for the design and cost of street improvements along the frontage of Lot #1 and Lot #2. The Planning Commission also recommended that the approval be subject to the installation of street trees on Lot #1, which is the dwelling lot, verification of approval of Planning Modules by DER, and dedication of Callowhill Road.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to approve the Weikel Subdivision with the conditions as specified by the Planning Commission and Mr. Wynn.

3. Wagner Subdivision (Minor) - This is a plan for the subdivision of a parcel on Forrest Road, Rt. 113 and Old Bethlehem Road. The original plan was submitted in September of 1991. To date, the Township has received four extensions for review of the plan, however a revised plan has never been submitted since the

initial application one year ago. The Planning Commission recommended that the plan be denied because it is not in compliance with the original engineering review dated October 7, 1991, and the Bucks County Planning Commission review dated October 2, 1991. That denial of the plan could be avoided provided the applicant submits revised plans, and an additional 90 day extension before the latest review period expires on September 15, 1992. Mr. Wynn spoke to the applicant's engineer during the last extension, who advised they have not been authorized to continue with the plan in this calendar year.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the recommendations of the Planning Commission to reject the Wagner Subdivision plan unless a revised plan is submitted and an additional 90 day extension is provided before the review period expires on September 15, 1992.

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

1. Reblock - Mr. and Mrs. Reblock had planned to attend this meeting, however Mrs. Reblock left a message with Mr. Wynn's office stating they would not be available this evening because she was going to the hospital to have a baby.

The Reblocks attended the Supervisor's meeting in May of 1992, to determine the testing required by the Township for their stream discharge system. Mr. Wynn followed up with both DER and Bucks County Health Department. There is quite a list of parameters which the Bucks County Health Department will test on their own once a year. DER required the applicant to send results of the tests once a year for only fecal coliform and residual chlorine. That is the testing the Reblocks have so far completed on their own on July 22, 1992.

The agreement was actually written to include testing every two months at DER parameters for the first one or two years, and then every quarter thereafter. Mr. and Mrs. Reblock are concerned that the testing is excessive. Mr. Wynn agrees with that, especially since the agreement also includes a note that the Township has the right to enter the property for preparing, inspection, replacement or maintenance of the facility as deemed necessary by the Township. Mr. Wynn believes that if the Township office were to receive a complaint that the Reblock's system is not operating properly, the Township could complete a sampling of their own and bill the Escrow Agreement.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to rescind the original motion that required the Reblock Subdivision to complete testing every two months, and instead, to require testing only once a year.

2. Hilltown Township Water and Sewer Authority, Act 537 Revision - Pheasant Hill Road Pump Station - The Planning Commission also reviewed a Resolution requested by the Hilltown Township Water and Sewer Authority for an Act 537 Revision for a proposed pump station on Pheasant Hill Road. This pump station is proposed to service Quiet Acres Mobile Home Park and properties immediately upgrade of that, including one property, A & T Chevrolet, which is partially located in West Rockhill Township. The Hilltown Township Planning Commission recommended approval and had the benefit of the Bucks County Planning Commission review dated August 5, 1992 recommending approval of this Act 537 Revision, as well as the Bucks County Health Department's recommendation dated July 21, 1992. The Health Department's recommendation is as follows "We have reviewed the subject project and recommend approval". This will replace the lift station that was installed temporarily by Quiet Acres Mobile Home Park, with a larger lift station that will be owned and operated by the Hilltown Township Water and Sewer Authority.

Supervisor Fox asked if the Hilltown Township Authority will contact West Rockhill Township for their approval. Mr. Wynn replied this same issue is on the agenda of the West Rockhill Board of Supervisor's meeting for tomorrow, August 25, 1992. The West Rockhill Planning Commission has already made the recommendation for approval.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt Resolution #92-30 to accept the Pheasant Hill Road Pump Station Act 537 Revision.

3. Cefelli Subdivision - A request has been received from Mr. Brian Hunsberger of Spring Hill Realty to commence the 18 month maintenance period for the Cefelli Tract Subdivision, located on Blooming Glen Road. This is the cul-de-sac street off Blooming Glen Road, just before the East Rockhill Township border. The subdivision is comprised of five lots. The improvements, including the road curbing, stormsewer, buffer plantings, street trees, property monuments, etc., have all been completed. The only items remaining are the driveway aprons and lamp posts. This is a situation where the homes are not yet built on the properties. Mr. Hunsberger has requested that the remaining items be required to be completed during the 18 month maintenance period, to allow more opportunity for the homes to be constructed. The light is not yet installed at the intersection, although PP&L has given the authorization to complete that. Mr. Hunsberger had requested that the Township do the installation of the street "Stop" and "No Outlet" signs. That has not yet been completed because the Public Works Department has not had the time to install them yet. Mr. Wynn recommends that the 18 month maintenance period be allowed to start, with the condition that driveway aprons and lamp posts are

completed during the maintenance period. Mr. Hunsberger of Spring Hill Realty has already reimbursed the Township for the signage.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to allow the applicant for the Cefelli Subdivision to begin the 18 month maintenance period, and to reduce the Escrow funding to 10% to fund the installation of driveway aprons and lamp posts during that time period.

4. St. Philip's Church - Mr. Wynn advised the completion of the curb, roadway widening, and street trees at the St. Philips Orthodox Church Subdivision have been accomplished, with one remaining item which was the raising of the fire hydrant. That has been done since the Board's last meeting. There is also a request from the applicant to begin the 18 month maintenance period.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to allow the St. Philips Orthodox Church to begin the 18 month maintenance period, and to reduce the Escrow to 10% retainage.

Supervisor Bennington questioned the submission of the Pizza Hut preliminary plan. Mr. Wynn advised Pizza Hut is proposing to add additional seating toward the Rt. 113 frontage of the building, improving the restrooms and adding handicapped facilities. Supervisor Bennington asked if Pizza Hut would lose parking spaces if they increase the building size. Mr. Wynn replied that is one of their primary concerns since the entire site is already non-conforming as far as impervious surface. Mr. Wynn is not certain they comply with parking now, let alone losing any more parking to construct the addition. Mr. Wynn has not yet reviewed the plan, but noticed the applicant attempted to re-configure the parking to gain more spaces.

K. RESIDENT'S COMMENTS -

1. Mrs. Linda Billett of 203 Rickert Road was in attendance on behalf of her neighbors George and Debbie Pfeiffer, Jean Williamson, and Arlene and Sam Delp, to enlist the Township's aid in rectifying the problem of low flying jets and prop planes from Willow Grove Naval Base. Mrs. Billett has seen the destruction caused by the low flying jets, which include frightened birds flying into their home, and the loss of two trees since June 5, 1992. Mrs. Billett and her neighbors would like this unnecessary noise and destruction stopped.

Mrs. Billett moved out of the area almost two years ago, and when they moved back into Hilltown Township, she was amazed at how much

Page 15  
Board of Supervisors  
August 24, 1992

lower the jets were flying. Mrs. Billett was speaking to her attorney, Mr. Boyd Englund, who is a retired major in the military, this past Thursday, when the jets were circling her home. She believes they were flying not more than 250 ft. from the ground. Mr. Englund could hear the planes through the telephone and advised Mrs. Billett that they were not in compliance with EPA regulations. Mrs. Billett and her neighbors have contacted EPA, FAA and even Peter Kostmayer's office, to no avail. When the jets are flying so low, Mrs. Billett's 85 year old mother, who lives with the them, becomes very upset and believes the country is at war.

On August 19, 1992 at 5:00PM, an F-18 Hornet flew immediately over the Billett house and threw on it's afterburners. Mrs. Billett's cat had been sitting on the windowsill, and leaped into the sink, right where her utility drainboard is. Mrs. Billett believes if there had been any knives or forks there, her cat would have been killed. Mrs. Debbie Pfeiffer has had pictures in her home shaken off the wall, shattering the glass in the frames, because of the vibration. Mrs. Billett herself has had china chipped in her china closet and asked who will pay for the damage.

Supervisor Fox asked if Mrs. Billett and her neighbors have registered their complaints with the Navy Department. Mrs. Billett replied that they have, many times, since last April. She is always told that the jets from Willow Grove are not flying too low, and that the noise and vibrations must be caused by private planes from the Penridge Airport.

Chairman Bennett lives approximately 1/2 mile from Mrs. Billett's home, and his home is located directly under the flight path as well. He has noticed that one jet in particular makes more noise than one of the large four engine jets that fly into Willow Grove constantly. This is particularly annoying on weekends. Chairman Bennett has lived at his home for 32 years, and he and his family have just gotten used to the noise. Sometimes the jets have their landing gear down when they fly over his home, however, Chairman Bennett believes that the planes are flying higher than 250 ft. Jet noise and vibrations do not appear to be quite as noticeable during the winter months, and Chairman Bennett believes this is because the air traffic is heavier during summer months due to activities by the Navy Guard.

Mrs. Billett disagreed, stating the jets fly directly over her home all year long. She has heard of a municipality located on the other side of Willow Grove, who entered an injunction against the Willow Grove Naval Base. Now the Naval Base can no longer utilize the flight path over that municipality.

Chairman Bennett would guess Hilltown Township is approximately 15 miles, "as the crow flies", from Willow Grove. Chairman Bennett

1313  
Page 16  
Board of Supervisors  
August 24, 1992

wondered what residents, who live within a mile or two from the Navy base, experience in terms of noise and vibration. Mrs. Billett commented when people buy a home within the area of a naval base, they are aware of it, and can expect the noise and vibrations. However, Mrs. Billett advised, you do not expect it here in Hilltown Township.

Mrs. Billett wondered why afterburners are used when flying 12 miles away from the naval base. Supervisor Fox knows that residents of Hatboro and surrounding communities have complained for years about the naval base. The base, which contains not only naval personnel, but marines and national guard as well, have set up parameters where they are not allowed to fly at a certain speed when they are landing, etc., in attempt to appease the neighboring residents. Supervisor Fox is sure there are some pilots who do not adhere precisely to flight regulations. Supervisor Fox used to fly smaller planes and knows that the only reason pilots in the area would turn their afterburners on was mainly due to confusion. The pilots may have thought they were flying over the Montgomery hill, when in fact it was Hilltown's hill. Supervisor Fox suggested Mrs. Billett and her concerned neighbors document an exact log specifying dates and times when these low flying jets are causing a disturbance. This log could then be submitted to the Willow Grove Naval Air Base. Mrs. Billett has tried to do this, yet the naval base never returns her call or give her any satisfaction. Mrs. Billett felt there had to be something the Township could do to help she and her neighbors with this very annoying problem.

Supervisor Bennington recommended that Mr. Horrocks call Willow Grove Naval Air Station to register a direct complaint by the Township. Furthermore, Supervisor Bennington suggested contacting Paul Clymer's office and Senator Greenwood's office, to "get the wheels in motion" that Hilltown Township is on record as having made the complaint. Chairman Bennett agreed with Supervisor Bennington's suggesting, however he would not offer Mrs. Billett and her neighbors much encouragement. Chairman Bennett feels this is a condition people must make do with if this country is going to have a defense force.

Mrs. Billett stated living under a flight path decreases property values. She has recently had her home appraised and was told she would most likely have to sell for approximately \$20,000.00 less than what the home was actually worth, due to the noise and vibrations caused by the low flying jets. Chairman Bennett would think that was true, and stated he would not knowingly want to purchase a home located directly under a flight path.

Chairman Bennett assured Mrs. Billett that the Board would do just as Supervisor Bennington previously suggested, by notifying our Congressman and the Willow Grove Naval Air Base directly.



Page 17  
Board of Supervisors  
August 24, 1992

2. Mr. Joe Miketta - Mr. Miketta thanked Chairman Bennett for his help with a problem he recently experienced. Possibly in the future, the Code Enforcement Officer will be called in on the problem, but hopefully it will be rectified before that becomes necessary.

3. Mr. Phillip Bennett - Mr. Bennett, who's situation was discussed earlier, asked for clarification of what he would need to do to verify the affidavits he has presented to the Township. Chairman Bennett replied the verification information should be available from the County.

L. SUPERVISOR'S COMMENTS -

1. Supervisor Fox commented he has had some concerns for a few years on two specific items. One is that he would like to see developers help to pay for our parks, recreational areas and equipment, as allowed by Act 170. The other concern is that Supervisor Fox feels the Township should own this building, since we are paying for it and have posted the security for it. Supervisor Fox intends, during the rest of his term as Supervisor, to pursue those goals.

2. Since it was decided that the September Work Session was scheduled to be a voting Work Session, Supervisor Bennington asked if it has been advertised as such. Mr. Horrocks replied that it has been advertised.

3. Supervisor Bennington noted that Supervisor Fox had mentioned at a previous meeting a permit for Close Out City to erect a tent for their annual tent sale. Supervisor Bennington believes that a temporary 30 day permit was issued, and asked if the 30 day period was complete for that temporary structure. As of today, Mr. John Snyder advised the tent has been removed.

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

N. ADJOURNMENT - Upon motion by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously, the August 24, 1992 Board of Supervisor's Meeting adjourned at 9:17PM.

Respectfully submitted,

*Lynda Seimes*  
Lynda Seimes  
Township Secretary

1316A

**C. ROBERT WYNN ASSOCIATES, INC.**

Consulting Engineering  
211 West Broad Street  
Duakertown, PA 18951

(215) 536-7547  
(215) 536-7336

---

Memo To: Hilltown Township Board of Supervisors  
From: C. Robert Wynn  
Subject: Escrow Release Summary  
Date: August 24, 1992

1. Broderick - Authorization Voucher No. 28 dated August 24, 1992 in the amount of \$3,892.51 for release of balance of escrow funds.
2. Cefelli - Authorization Voucher No. 12 dated August 21, 1992 in the amount of \$984.93 for const. obs./esc. admin. for period from 6/1/92 thru 8/21/92.
3. Cefelli - Authorization Voucher No. 13 dated August 21, 1992 in the amount of \$5,245.63 to reduce escrow to 10% retainage.
4. Deerfield - Authorization Voucher No. 30 dated August 24, 1992 in the amount of \$216.25 for const. obs./esc. admin. for period from 5/1/92 thru 7/31/92.
5. Garges (Car Wash) - Authorization Voucher No. 3 dated August 24, 1992 in the amount of \$364.10 for const. obs./esc. admin. for period from 6/1/92 thru 7/31/92.
6. St. Philips Orthodox Church - Authorization Voucher No. 5 dated August 21, 1992 in the amount of \$221.20 for const. obs./esc. admin. for period from 6/19/92 thru 8/21/92.
7. St. Philips Orthodox Church - Authorization Voucher No. 6 dated August 21, 1992 in the amount of \$4,286.11 to reduce escrow to 10% retainage.