

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

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

Also present were: Kenneth B. Bennington, Vice-Chairman
Jack C. Fox - Supervisor
Bruce G. Horrocks - Township Manager
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 with the Township Solicitor in Executive Session prior to this meeting to discuss legal matters.

A. APPROVAL OF MINUTES:

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

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the May 26, 1992 Board of Supervisor's meeting, as written.

B. APPROVAL OF CURRENT BILLING:

Chairman Bennett presented two Bill's Lists for payment. The first is dated April 29, 1992, and totals \$36,523.22 of regular payments, with State Highway Aid payments in the amount of \$2,167.89, for a grand total of \$38,691.11.

Supervisor Bennington questioned the bill from CMI, Inc. in the amount of \$4,795.00 for an In-Car Video Recording System. Chief Egly replied this is the system the Board had previously discussed and agreed upon to be installed in a police vehicle.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bill's List dated April 29, 1992, subject to audit.

The second Bill's List is dated May 13, 1992, and totals \$8,877.54 of regular payments, with State Highway Aid payments in the amount of \$1,738.38, for a grand total of \$10,615.92.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bill's List dated May 13, 1992, subject to audit.

C. TREASURER'S REPORT:

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

General Fund Checking Account - \$160,732.74

Payroll Checking Account - \$163.24

Fire Fund Checking Account - \$116,559.97

Debt Service Checking Account - \$163,244.94

State Highway Aid Checking Account - \$192,909.55

Escrow Fund Checking Account - \$121,880.63

For the Board's information, Mr. Horrocks presented a Revenue/Expenditure Comparison of the the months of January through April of 1991 and 1992.

Concerning expenditures, there was a \$78,431.00 deficit from January through April of 1991, excluding Tax Anticipation Note funds. That deficit has been reduced to \$26,610.00 for the same time period in 1992.

Supervisor Bennington noticed the Real Estate Transfer Tax has increased by approximately \$12,000.00 over 1991. Some of the highlights that Chairman Bennett briefly mentioned included the current Real Estate taxes, which are still being received, and are running approximately \$10,000.00 behind in 1992. One big surprise was that Real Estate taxes that were delinquent in 1991, are up approximately \$39,000.00 for 1992. Chairman Bennett felt the threat of a Sheriff's Sale may have prompted tax payers to remit in 1992. Generally 44% of the General Fund budget is the Earned Income Tax, which is running very current with figures noted in 1991. The Township has been attempting to reduce expenses in areas such as telephone service, police overtime, and legal services.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to accept the May 26, 1992 Treasurer's Report, subject to audit.

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

E. CONFIRMED APPOINTMENTS:

1. Mrs. Helen Grim - Township property located at Rt. 113 and Callowhill Road - Mrs. Grim felt it would be extremely short sighted for Hilltown Township to sell the parcel of land they own located at Rt. 113 and Callowhill Road. Mrs. Grim stated the property in question was purchased many years ago,

with the idea of a future use. Even though at this point, the Township feels they do not need that property, Mrs. Grim commented Hilltown Township is growing rapidly, and feels the sale of that property would only net a short term gain. Mrs. Grim noted the Township may need that land in the future, and she has not given up on the idea of using that land as a mini park. Mrs. Grim checked with the Tax Collector and was advised that those properties are not costing the Township money because taxes are not paid on it. There is also no maintenance involved as Mr. Weikel currently farms the property. All three of the Supervisors, when running for the office they now hold, pledged to encourage the rural atmosphere of Hilltown Township to remain. Since it is not legal to oppose all development, Mrs. Grim felt the Board had a wonderful opportunity to stop any development on that particular parcel of land. Mrs. Grim feared a housing development would be constructed should the land be sold, and, if that were the case, the possibility of a traffic light being proposed at the intersection might then become a reality. Mrs. Grim felt preserving this piece of rural property for future use is in all of our best interests.

Mr. Horrocks read correspondence from the Park and Recreation Board, presenting the following two Recommendations:

Recommendation #92-5 - The Park and Recreation Board recommends that the Proposed Construction Sequence provided by C. Robert Wynn Associates, Inc., dated May 18, 1991 - File No. 03-012, be implemented as presented, with one change.... that the tot lot in item 3 be moved down in priority to a place between the play field construction of item 6 and the bike path in item 7.

Recommendation #92-6 - The Park and Recreation Board recommends that the Supervisors delay any action regarding the sale of any parcels of land the Township owns so that the Park and Recreation Board can give the matter further consideration.

Mr. Horrocks explained the Park and Recreation Board had completed a physical on-site inventory of all Township owned lands several months ago, though specific recommendations had not yet been made to the Board of Supervisors.

Chairman Bennett commented the Board did not feel a great need to sell these properties, however the suggestion to do so from a concerned resident prompted the appraisals. Chairman Bennett stated Mrs. Grim's remarks were well taken, and appreciated.

Chairman Bennett explained other than the particular parcel of land located at Callowhill Road and Rt. 113, there is one other parcel of Township owned lands of a size to be useful to the Park and Recreation Board. This parcel consists of approximately 9 acres and is located on Rickert Road, behind a group of homes.

Personally, Supervisor Bennington was in favor of keeping the parcel located at Callowhill Road and Rt. 113 as "open space" because, as Mrs. Grim previously stated, once the land is sold, it cannot be replaced. The price of land will only rise in the coming years. Supervisor Bennington felt the parcel of land on Rickert Road is basically non-usable, except for the residents who live on that road.

Supervisor Fox was in agreement about not selling the parcel located at Rt. 113/Callowhill Road, however he noted the residents of Rickert Road felt a small, neighborhood park could possibly be developed on the Township owned property behind their homes.

Chairman Bennett summarized by stating the Board of Supervisors intends to take no action on the sale of Township owned properties in the foreseeable future.

Ms. Joan Ferry, a neighboring resident of the Township owned parcel located on Rickert Road, commented that land is a haven for deer and other wildlife, and would urge the Board not to sell it.

2. Mr. Samuel Pierce - Horticulture - Mr. Pierce's home is located in Silverdale, however his property extends into Hilltown Township. Mr. Pierce is very happy that he is a Hilltown Township resident for many reasons, including that the area is well kept, the properties are well cared for, and there is a group of Supervisors who are very zealous about what they permit to be constructed and maintained within the Township. Mr. Pierce stated occasionally, you will see a property owner who not only abides by what is required, but by innate good taste, does a magnificent job with landscaping and buffer plantings. Mr. Pierce complimented the excellent landscaping job installed by Mr. and Mrs. Kevin Carney at their new land development on Rt. 309, north of Line Lexington. Mr. Pierce appreciates beauty, particularly natural beauty, and he has, on many occasions, parked opposite the Carney property to take a very good look at the site. Mr. Pierce thought the work Mr. and Mrs. Carney have done to beautify the site is very, very commendable. Just as the Supervisors are zealous about what is constructed and installed, Mr. Pierce felt they should be just as zealous about expressing their appreciation for the Carney job and others like it.

Chairman Bennett thanked Mr. Pierce for his comments, and stated the Board is sometimes remiss in expressing compliments when someone does a good job. The Board will attempt to remember to express their appreciation in the future.

3. Mr. Scott Leatherman - New Regulations regarding Pool Enclosures/Fencing - Mr. Leatherman stated he and his wife had been planning to construct a pool for the past three years, and for various reasons, the construction was delayed. Finally last winter, they began deliberating on how to position the

pool, what size pool to construct, landscaping, and where to place the fence. To help with their planning, the Leatherman's contracted Mr. John Apple of a landscaping group, to help with their decision making. All the planning was done under the impression that a pool enclosure is just that - a fence, like five of the Leatherman's neighbors on Narothyn Road, who have fences around their pools designed to keep children or trespassers out. Mr. Leatherman's impression of their pool enclosure did not change until he received a letter from Mr. Applegate, Code Enforcement Officer, in mid-March, explaining that now, a pool enclosure meant a gate must be constructed between any window and/or door leading from the house to the pool area. This notification threw a "monkey wrench" into the Leatherman's planning and expense up until that time. Mr. Leatherman asked if this stipulation resulted from adoption of a new Ordinance, or if this stipulation was a re-interpretation of the law.

Chairman Bennett felt it was a question of interpretation, and to his knowledge, the Swimming Pool Ordinance dates back to 1983.

Mr. Leatherman commented he and his wife were under the impression that all that was required was for them to enclose their backyard, which would also enclose their pool. There are two doors and a window in their home which would lead to the pool area itself. Mr. Leatherman felt they did not need protection from people they are inviting to use their swimming pool, they need protection from people who might stray onto the property when the Leatherman's are not at home, or from children who might wander into their yard.

Chairman Bennett asked if he was correct in assuming that one wall of the home would serve as a fence for the pool area. Mr. Leatherman replied that is correct. Personally, Chairman Bennett did not see anything wrong with that. Supervisor Fox asked if Mr. Leatherman had any very young children. Mr. Leatherman replied his youngest child is 12 years old.

Mr. Leatherman had no qualms in revising an Ordinance, or changing an interpretation of an Ordinance, however Mr. Leatherman felt this was a classic case of "changing rules in the middle of the game". Mr. Leatherman's interpretation, as well as that of others who had previously received their pool permits, was that a fence enclosure is to enclose the pool to keep intruders out. Mr. Leatherman explained during the winter months, he did not have the opportunity to construct his permanent fencing, however they did install brick pavements, and landscaping. For the Leatherman's to add all the gates and protections that Mr. Applegate feels are now necessary, it would create quite an extra expense. Mr. Leatherman asked if he is still under the enforcement of Mr. Applegate's March letter.

Solicitor Grabowski stated he cannot dictate policy for the Board, that is only the function of the Board of Supervisors. A decision was made by the Zoning Officer, which can be overruled by the Board of Supervisors, but in effect, the Supervisors can choose to not enforce the order, if they so desire. The Zoning Officer is not able to go to court on his own, without the direction of the Board of Supervisors and the Solicitor's office, to attempt to enforce his decision. Therefore, the matter falls back into the lap of the Board of Supervisors, to issue a policy decision as to whether they intend to enforce the Zoning Officer's decision.

Supervisor Bennington asked if every swimming pool that was installed without being fully enclosed, since 1983 when the Zoning Ordinance was approved, was in violation of the Ordinance even at that point in time. Solicitor Grabowski replied he is not saying that, though possibly that is the Code Enforcement Officer's feeling. Supervisor Bennington stated of the 14 residents listed who have received notification from the Code Enforcement Officer, some have previously received Occupancy Permits that were issued in violation of the Zoning Ordinance. Mr. Horrocks noted the only correspondence sent was to resident's who had applied for building permits to construct swimming pools in 1991. Supervisor Bennington's interpretation of the Zoning Ordinance is that if there is a free-standing pool, it must be bound by fences on all four sides. If the house can be used as one wall of that fence, Supervisor Bennington felt that should be permissible. Supervisor Bennington stated you cannot legislate someone's privacy. The owner of the home would then be responsible for anyone who enters the pool through the house. Chairman Bennett agreed with Supervisor Bennington, and stated they disagree with the Zoning Officer's interpretation of the law.

Supervisor Bennington asked how this matter can be rectified now that correspondence has been issued by the Zoning Officer. Solicitor Grabowski suggested the Board discuss this matter with the Zoning Officer to learn his reasoning for the re-interpretation and for issuing the decision.

Supervisor Bennington asked who issued the Occupancy Permits on the swimming pools that were previously constructed. Mr. Horrocks replied that Mr. Applegate did. Supervisor Bennington asked why the Occupancy Permits were issued if the projects were in violation of the Zoning Ordinance. Mr. Horrocks explained the change in interpretation came following the issuance of those five Occupancy Permits, and after Mr. Applegate had attended a seminar on the topic.

Chief George Egly commented Mr. Applegate, by attending seminars, is probably learning the same thing they are, as law enforcers - liability. For instance, if a toddler were to drown in that swimming pool, Chief Egly noted the Township could possibly be named in a lawsuit, since the Township allowed that particular type of pool enclosure.

Solicitor Grabowski stated there is no doubt that Mr. Applegate's underlying thought is the spectre of liability, however the thing to remember is that there is a Zoning Ordinance to be interpreted, without the fear of lawsuits.

Supervisor Fox suggested an option to rectify the problem should Mr. Applegate's letter remain in place, and that would be to not enforce Mr. Applegate's policy. Chairman Bennett did not favor that option, and Mr. Horrocks agreed. If the Board chose to not enforce action, a Use and Occupancy Permit for the remaining swimming pools would never be issued.

Supervisor Fox felt the meaning of the Ordinance, when it was written in 1982, was to enclose the swimming pool on four sides, and to install a self locking gate. However, this is a different situation, as some residents have already received their permits. The question of liability, if an accident were to happen, is still a concern. Supervisor Fox felt Mr. Applegate was not interpreting the Ordinance the way it should have been interpreted.

In Supervisor Bennington's opinion, if a swimming pool is enclosed on three sides, with the house wall being the fourth side, and someone should drown after entering the swimming pool from the house, the homeowner would be responsible. Supervisor Bennington asked if Hilltown Township would also be held liable. Solicitor Grabowski replied the Township could be named in a lawsuit, however he cannot foresee how the Township would be joined in any liability. Supervisor Fox agreed with the interpretation of the Solicitor, and felt the Board should discuss the matter with Mr. Applegate.

Chairman Bennett stated the entire issue is fairly inconsistent, because there are presently swimming pools constructed in this Township prior to 1982 that are not fenced at all. There are also numerous ponds in Hilltown Township which are not fenced, and which Chairman Bennett considers just as dangerous, if not more so, than swimming pools. Chairman Bennett noted the Supervisors will discuss this matter within the next two weeks, and will inform Mr. Leatherman of their interpretation. Personally, Chairman Bennett felt that the wall of the house is part of the enclosure of a swimming pool.

F. MANAGER'S REPORT - Mr. Bruce Horrocks, Township Manager
1. Mr. Horrocks presented the seven following Escrow Releases (all bank held) for the Board's approval:

BFI	Voucher #09	\$243,698.09
Carney Land Dev.	Voucher #07	\$ 7,695.00
Carney Land Dev.	Voucher #08	\$ 551.40
Deerfield	Voucher #28	\$ 205.25
H & L Development	Voucher #11	\$ 288.03
H & L Development	Voucher #12	\$ 7,126.77
Sterling Knoll,II	Voucher #46	\$ 165.55

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

*8:14PM - ADVERTISED PUBLIC HEARING FOR CONSIDERATION OF THE ADOPTION OF AN ORDINANCE REPEALING ORDINANCE NO. 68-1 AND PROVIDING FOR RECOGNITION OF ALL AUTHORITIES PROVIDING WATER SERVICE UNDER THE MUNICIPALITY AUTHORITIES ACT OF 1945, AS AMENDED WITHIN HILLTOWN TOWNSHIP.

In 1968, Solicitor Grabowski explained, Hilltown Township adopted an Ordinance which appointed Perkasio Borough Authority, Telford Borough Authority, and Sellersville Borough Authority, as the three utilities to supply water service within Hilltown Township. The Authorities that supply the Township have obviously changed throughout the years, and therefore, the Board is of the mind to repeal Ordinance #68-1, by adoption of the new Ordinance. Now all the Municipal Authorities operating within the boundaries of Hilltown Township may extend public water service upon approval of the Board of Supervisors, under the Municipalities Authority Act, as well as by the Second Class Township Code.

This proposed Ordinance was advertised in the Perkasio News Herald, per the Second Class Township Code, for possible adoption this evening, following public discussion.

Supervisor Fox commented this change to Ordinance #68-1 should have been made fifteen years ago, and he felt it was a good Ordinance.

Since there was no public discussion, motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to adopt Ordinance #92-2, repealing Ordinance #68-1, and providing for recognition of all authorities providing water service in Hilltown Township.

*The advertised Public Hearing concerning this Ordinance adjourned, and the Board of Supervisors entered back into their regularly scheduled public meeting at 8:24PM.

F. MANAGER'S REPORT - Continued:

2. The Township is in receipt of the 1992 Liquid Fuels Allocation for Turnback monies in the amount of \$15,050.00. Hilltown Township was expecting approximately \$156,700.00, however we have received \$175,200.00. Mr. Horrocks advised the Township has received close to \$19,000.00 more than expected from the State.

3. Concerning the flashing light at Rt. 113 and Diamond Street, the Township has signed off on another PP&L authorization to receive another bill. This light has been installed, wired, and should be in operation by this week.

G. CORRESPONDENCE:

1. A request has been received from Mr. and Mrs. Lowell Negley concerning their withdrawal of subdivision submission, and asking for a refund of those application fees. Mr. Horrocks explained the Negley's are withdrawing their plan due to the Bucks County Department of Health insistence that they construct a sand mound on Lot #1 of the site.

Supervisor Bennington asked why the applicants are requesting a refund. Mr. Horrocks presumes they are requesting a refund under the assumption that the Township has not expended any monies for review of this matter. Supervisor Bennington felt that was a ludicrous assumption. Mr. Wynn noted the Negley plan was initially before the Planning Commission, and there was also a later revision to the plan. The other fees were paid to the Bucks County Planning Commission, and to the Bucks County Conservation District. Mr. Wynn explained the Township has spent those monies in the normal review process. The plan itself has been around for approximately 1 1/2 years, and many extensions have been granted in the past.

Supervisor Fox thought Mr. and Mrs. Negley were under the mistaken impression that if a plan is not approved, your money is refunded. Supervisor Fox commented these monies were, in fact, expended. As a matter of fact, Mr. Wynn noted some fees were not even paid to the Township itself - one was made to the Bucks County Planning Commission, and one was made to the Bucks County Conservation District. Chairman Bennett asked the amount of the fees that were paid to the Township. Mr. Horrocks replied the Township received \$450.00 in fees from Mr. and Mrs. Negley.

Mr. Horrocks suggested that he develop a list of monies that have already been expended on the Negley Subdivision, to date. The Board was in agreement. Chairman Bennett did not feel a refund is warranted in this case, and Supervisor Fox agreed.

Mr. Wynn asked if the Board of Supervisors would formally acknowledge the withdrawal of the Negley Subdivision, since this is a current and active subdivision until August of this year. Supervisor Fox mentioned the Negley's may change their mind about withdrawing the subdivision again, which they have already done twice in the past. Supervisor Bennington reminded Supervisor Fox that the correspondence received from the Negley's is formally requesting a a full withdrawal of the subdivision application from the Township.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously, to formally accept withdrawal of the Negley Subdivision plan, and to forward correspondence denying the refund request of \$450.00.

2. Correspondence has again been received from the Chalfont/New Britain Township Joint Sewage Authority concerning four remaining parcels in the Line Lexington Sewer District who have not yet connected.

With the Board's permission, Mr. Horrocks would like to write to these four individuals and include a copy of the Mandatory Sewer Connection Ordinance for their review. This correspondence would advise that if the remaining four residents have any hardships in this matter, they should appear before the Board of Supervisors.

Chairman Bennett felt that suggestion was the correct approach. When that sewer line was constructed, those properties in the Line Lexington area were all contaminated. Chairman Bennett believes there were 29 properties involved, and they apparently have all connected, except these four. The Township spent \$60,000.00 to contribute to that connection. Also, most residents received loans from local banks, which offered attractive interest rates for consumer loans, to aid in defraying the costs of connection. The Board was in agreement to Mr. Horrocks' suggestion to notify the four remaining resident's of the Line Lexington area who have not yet connected to public sewer.

3. Hilltown Township received a 90 day extension from Dr. Thomas Derstine for his planned Veterinary Hospital. Dr. Derstine is to appear before the Zoning Hearing Board on Thursday, May 28, 1992.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to accept the 90 day extension offered by Dr. Thomas Derstine for his Veterinary Hospital plan.

4. An acknowledgement letter was received from the Board of Elections, thanking the Township for use of this building during the primary election, and reminding that November 3, 1992 will be the date of the general election.

5. Correspondence was received from Dublin Borough, concerning construction of a traffic light at Rt. 313 and Rickert Road, and the possibility of financial support from Hilltown Township. This project is in the early planning stages and has been discussed previously. Both Bedminster and Hilltown Township, as well as the Pennsylvania State Police Barracks in Dublin, have been copied on this letter. Chairman Bennett did not feel there was money available in the budget for the project. This issue had previously been raised approximately four years ago.

6. A letter was received this date from the Community Development Department of Bucks County advising grant monies for the historical project will not be available as of the originally forecasted date of June 1, 1992. They are asking that no work be started until August 1, 1992, with more information to follow.

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

1. Solicitor Grabowski presented several sets of Development Agreements for approval this evening:

a. The first is that of Vulcan Springs Manufacturing Land Development for their property located at 501 Schoolhouse Road. The Land Development Agreement has been executed and there is also a Financial Security Agreement involved. Bucks County Bank and Trust Company issued a cash escrow agreement in the amount of \$44,070.88, and it has been deposited with the bank in the name of the Township to guarantee the required improvements set forth by the Township.

b. The second set of agreements is that of Fretz Enterprises. A Land Development Agreement has been executed for their site located on Old Rt. 309. There is also a Financial Security Agreement held with Union National Bank and Trust Company of Souderton, as the issuer of an Irrevocable Letter of Credit in the amount of \$22,369.00, to guarantee the on-site improvements required by the Township.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve both sets of Land Development Agreements for Vulcan Springs Manufacturing and for Fretz Enterprises.

2. Solicitor Grabowski presented a Deed of Dedication that has been offered to the Township by JWG Corporation for a property in the area of Cherry Road/Cherry Lane.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt Resolution #92-23 to accept the Deed of Dedication for JWG Corporation, and to adopt Resolution #92-24 to accept the Declaration of Public Purpose for JWG Corporation.

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

1. Off-the-Wall Cabinetry - Mr. Wynn explained this site is located on Bethlehem Pike, immediately north of the Garges Car Wash which is under construction. This plan proposes construction of an addition to the rear of the present building, with increased parking area, grading as required for the building addition, and some revisions to upgrade the retention basin. The plan proposes some additional landscaping for the additional parking. Trees have already been established to the front of the site, per the prior site development plan. There is also a buffer yard being established along the residentially used properties to the south. The site is served by private well, and sewer by the Telford Borough Authority. The proposed use of the property will not increase the water usage on the site, and Telford Borough Authority has sent correspondence indicating no additional EDU's are necessary. Mr. Wynn noted there are no proposed improvements planned along the frontage of the site. The Planning Commission recommended a preliminary and final plan approval, subject to four items. The first is the execution of a Parking Reduction Agreement in accordance with Section 522 of the Zoning Ordinance. This permits the applicant to reduce parking requirements to 8% of what the Ordinance specifies.

This agreement also clearly states that if one year after occupancy, the Township determines that additional parking is necessary, the applicant must install the parking. The potential future parking, if necessary, is shown by dotted lines on the plan. The second outstanding item is dedication of Bethlehem Pike right-of-way to the Township, as offered by notation on the plan. Also, approval by the Bucks County Conservation District for Erosion and Sedimentation Control Measures and execution of a Developer's and Financial Security Agreement to guarantee public improvements is required.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant preliminary and final plan approval to the Off-the-Wall Cabinetry, with the four recommendations as specified by Mr. Wynn and the Planning Commission.

2. Wagner (Preliminary) - This site is located on Rt. 113 and Forest Road, and the plan was first submitted in January of 1991. There have been no revisions to the plan since that time, though numerous extensions have been granted by the applicant. Because none of the issues mentioned in the original review by either Mr. Wynn's office or the Bucks County Planning Commission have been addressed, the Planning Commission unanimously recommended denial of the Wagner Subdivision, unless an extension is received prior to the current deadline of June 14, 1992. In speaking with the applicant's engineer, they indicated they have not heard from their client since the last extension was granted.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to recommend denial of the Wagner Subdivision Plan unless an extension is received by June 14, 1992.

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

1. H & L Development - Mr. Wynn explained this five lot subdivision is located on Schwenkmill Road. The plan was before the Board approximately two months ago, when their 18 month maintenance period was expiring. The remaining items to be completed included installation of the final wearing course on the driveways, repair of some minor erosion, and to supply a certification that all the pins and monuments had been installed. These items have all been completed as of this date.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the successful completion of the 18 month maintenance period for H & L Development.

2. Pheasant Ridge Subdivision - This is the Toth Brothers subdivision located on Rickert Road, Rt. 152 and Fairhill Road. Their maintenance period has not been successfully completed and is about to expire. There are several dead buffer plantings and incomplete driveways. Mr. Wynn recommended advising the applicants that they have not successfully completed the 18 month maintenance period and seek their schedule for completion.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to advise the applicants of Pheasant Ridge Subdivision that they have not successfully completed the 18 month maintenance period and seek a clarification for completion.

3. Former Civic Field - Mr. Wynn presented plans for the proposed relocation and lowering of a pipe on Rt. 152, at the front of the former Civic Field site. It will require replacing a pipe on Rt.152. The present pipe is a 15 inch corrugated metal pipe, and it will be replaced with an 18 inch reinforced concrete pipe, placed at a lower depth to facilitate future underdrainage and drainage of the athletic fields. Mr. Wynn is seeking the Board's authorization to submit the application to PennDot for their approval.

A letter has been received from the Hilltown Fire Company for the regrading work on the opposite side of the street which is necessary to lower the pipe. Currently, the pipe is too shallow and it is impossible to drain the site in any direction. This change will allow installation of other drains to service the majority of the site, and improve drainage conditions. Mr. Wynn explained this is a 35 ft. pipe which goes under the roadway exactly where the existing pipe is located.

Chairman Bennett asked the estimated cost for this work. Mr. Wynn replied it would cost approximately \$4,500.00, and it is his understanding that the Public Works Department will be completing the work.

On this same note, Mr. Horrocks suggested the Board of Supervisors offer a motion to accept the Park and Recreation Construction Sequence Recommendation, which includes this item.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox and carried unanimously to accept Park and Recreation Recommendation #92-5 concerning the proposed Construction Sequence.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize Mr. Wynn to send the application to PennDot for the piping revisions.

Chairman Bennett drove by the site today and asked if the silt fence that is in place is where the parking area will be located. Mr. Wynn replied that it is.

4. Carney Land Development - Mr. Wynn commented the Board has already authorized two releases for the Carney Land Development earlier this evening, however, since the time those releases were prepared last week, Mr. Carney has completed the other remaining items of his public improvements. At this time, Mr. Wynn is seeking authorization to acknowledge completion of the public improvements for the Carney Land Development, to release the proper authorization vouchers to reduce the escrow to 10% required maintenance, and to commence with the 18 month maintenance period.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to acknowledge completion of public improvements for the Carney Land Development, to release proper authorization vouchers to reduce the escrow to 10% required maintenance, and to commence with the 18 month maintenance period.

Discussion took place concerning the driveway construction for the sites in this development.

5. Hawk Ridge - As of Friday, May 19, 1992, the punchlist for the maintenance period of Hawk Ridge Subdivision (maintenance period expires in June) was completed with some final fine grading and seeding of the right-of-way which was disturbed. With that in mind, Mr. Wynn seeks authorization of approval of the 18 month maintenance period to the Hawk Ridge development located on Keystone Drive.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to authorize approval of the completion of the 18 month maintenance period for the Hawk Ridge development.

6. Reblock - Mr. Wynn received correspondence from Mr. Reblock concerning the stream discharge sewage treatment plant installed on his property on Broad Street for a single family home. Mr. Wynn advised the term "stream discharge sewage treatment plant" is a misnomer, it is actually a package treatment plant. This was approved by an Act 537 revision by Hilltown Township in 1990. The package treatment plant was constructed and installed, and later inspected by Mr. Wynn's office, as well as the Bucks County Department of Health, on May 13, 1992. The system is in place and operating. Normally a package treatment plant has what is called a NPDES permit which sets parameters for the discharge of effluent into waters of the Commonwealth. Because this property is located so far removed from a stream, and is actually discharging into the Reblock back yard, the adjoining property and through swales into a stream, there is no NPDES permit for this site. Mr. Reblock executed an agreement with the Township and it was the first agreement of this type that Hilltown Township had executed. It provided for Mr. Reblock's required maintenance of the system and also set certain testing procedure requirements, which included in the first year of operation, an inspection once every two months by a licensed professional engineer, Sewage Enforcement Officer, the Bucks County Department of Health or DER. These inspections included effluent testing every two months. After the first year, and from then on, Mr. Wynn noted a test of effluent had to be taken quarterly. Mr. Reblock, by his correspondence, has advised he felt the testing was excessive. At the time this agreement was written, there was some confusion, between DER and the Bucks

County Department of Health, as to who would be completing what testing and what inspections. As a matter of fact, Mr. Wynn's office had contacted DER, who advised they could not do an inspection because they do not have the available personnel. The Bucks County Department of Health then completed that particular inspection. Mr. Wynn noted this is typical of spray irrigation systems and stream discharge systems. Mr. Reblock had indicated to Mr. Wynn that he would like the Board to consider a reduction in the required testing.

Supervisor Fox asked Mr. Reblock how long he has occupied the home. Mr. Reblock replied today is the first day he has been in the home and has used the system, therefore he has no idea of the standards that are set for testing. When Mr. Reblock called the testing companies, they all agreed the frequency of the testing was excessive. Mr. Reblock has spoken to Norweco, the company who manufactured the system, and they advised as long as there is a sufficient amount of chlorine and a hauler regularly pumps the tank once a year, then the system is maintenance free. Norweco also advised yearly testing should be adequate. Mr. Reblock realizes he signed the agreement with the Township, and he is willing to fulfill that agreement, however he does not even know what he is testing for and feels the required testing is excessive.

Mr. Wynn commented this particular type of system does not have a discharge permit which DER normally issues for those systems discharging into the waters of the Commonwealth. DER lists parameters in which a test must be taken, however this system has no parameters listed. Mr. Wynn knows that in some other municipalities that are having more of these systems installed, and who have more experience with them, there has been a general reduction in the frequency of testing. In some cases, where there is a whole parameter of tests required, those tests can cost approximately \$700.00 each time they are completed. Per Mr. Reblock's agreement with the Township, not only does he have to test it once every two months, but it must also be inspected by a licensed professional engineer or a Sewage Enforcement Officer, who is very difficult to find in this area.

Supervisor Bennington suggested the system be tested in two months, and then have it tested by a Sewage Enforcement Officer at the end of the first year of system operation.

Chairman Bennett asked how this type of system compares to the cost of a sand mound, which is approximately \$12,000.00 to \$14,000.00. Mr. Reblock replied the cost of this particular system was \$13,600.00, plus engineering fees of \$5,000.00. Chairman Bennett asked if there are any specifications on these systems, as far as acreage is concerned. Mr. Wynn replied there is not any hard and fast DER requirement for these systems, except that they have guidelines of a two acre minimum. The Township has separate spray irrigation regulations.

Mr. Reblock's system is basically a system that can be used almost anywhere. Out of curiosity, Chairman Bennett asked if this system was installed because the property would not pass perk for a sand mound. Mr. Wynn replied that is correct.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to modify Mr. Reblock's earlier agreement with the Township and require that his system be tested in two months, and then require it be tested by a Sewage Enforcement Officer at the end of the first year of system operation.

K. RESIDENT'S COMMENTS -

1. Mr. John Snyder - Mr. Snyder questioned an item mentioned earlier by Mr. Wynn concerning Hawk Ridge development. Regarding the bridge located on Swartley Road, Mr. Snyder asked the status of that, as far as the release of funds and the maintenance period. Mr. Snyder thought there was to be a change in that bridge, right at the curve. Mr. Wynn explained that agreement was modified some time ago by the Board of Supervisors to accept a contribution of approximately \$80,000.00, in lieu of that work.

Since Swartley Road is one Mr. Snyder travels twice a day, he requested the Public Works Department clear the wild rose bushes to aid in sight distance. Mr. Snyder explained that corner is totally blind, and is getting worse due to the growth of the wild rose bushes. Mr. Horrocks will advise Mr. Buzby of this request.

In the beginning of 1992, there had been discussion about upgrading the Fire Panel and the Recycling Committee to a standing board, and Mr. Snyder asked if that had ever occurred. Chairman Bennett replied those two committees had been given a permanent status several meetings ago.

Mr. Horrocks commented a Resolution is required to enact those two boards from an adhoc committee status to a permanent board status. On both of those committees, there were a few questions as to what their direction was going to be, and that is one of the reasons this Resolution has never been passed on either committee yet.

Mr. Snyder asked if there will be scheduled meetings, printed minutes, and a "job description" of each of these established boards. Mr. Horrocks explained printed minutes are not required by the Second Class Township Code for those two particular boards, and he did not want that responsibility on the Township's part, unless the Board deems it necessary. Park and Recreation and the Zoning Hearing Board presently record their own minutes, with the Planning Commission and the Board of Supervisors being the only two boards the Township is responsible for recording minutes for. Chairman Bennett stated there is an appointed secretary for the Fire Panel, and they could also record their own minutes.

Mr. Snyder asked the distribution schedule for the funds allotted to the various supporting Fire Departments of Hilltown Township. Chairman Bennett replied agreements were sent out several months ago to all supporting Fire Companies, which stated that the Township would pay atleast the same amount as was paid in the previous year, on July 1, 1992 and December 1, 1992.

3. Mr. Frank Beck - Keystone Road - Mr. Beck received a Fire Hydrant Tax notice in the mail, and was curious as to whether this bill was sent to all Township resident's, whether there is a fire hydrant near your property or not. Chairman Bennett stated that tax only applies to where there are fire hydrants. Mr. Horrocks advised Mr. Beck to contact Mrs. Florence Simons, Tax Collector, as it was an obvious error.

L. SUPERVISOR'S COMMENTS -

1. Supervisor Fox noted the Recycling Committee met on Thursday, May 21, 1992 and elected the following officers: Ms. Vicki Bobsein - Chairman, Mr. Geoff Keely - Vice-Chairman, and Mr. Marty Renshaw - Secretary/Treasurer. The Committee established a "job description" which will be submitted to the Board of Supervisors for their approval.

2. Supervisor Fox toured Waste Management facilities today, not only here in Hilltown Township, but in the Philadelphia and West Depford areas, as well as Grows Landfill. For those resident's who are concerned about emissions from a trash-to-steam facility, Supervisor Fox wished to put their fears to rest. Supervisor Fox commented there is no steam being expended into the air, everything is reabsorbed, and the hydrocarbons and the gasses are absorbed in a slurry that is mixed with lime and other ingredients. The slurry has the consistency of wet cement that is just starting to dry, and it is then shipped to a landfill in Gloucester County. For those that are concerned that each time a new facility is opened, the proper authorities will stop monitoring procedures, Supervisor Fox explained the State has a full time representative with an office on site, who constantly monitors the system. It is a very clean operation, with no smell at all, except at one area inside the plant where they use a specific chemical. Supervisor Fox was very impressed with the operation, and advised that plants similar to these can produce enough electricity for 20,000 homes.

The Grows landfill, Supervisor Fox noted, is expanding. It cost five million dollars to prepare for ten acres of trash fill, and it can go to a height of 185 ft. Their facility located in Philadelphia, recycles from the entire Philadelphia area. They are currently backlogged with plastic containers because the company they used in the Allentown area, is no longer accepting plastic. Philadelphia has informed them that next month, they are going out of the plastic business. It currently costs Philadelphia \$173.00 per ton to recycle plastic.

3. Now that Weidner Disposal has been purchased by Waste Management, Supervisor Bennington received a letter stating they now collect plastic and colored glass. Supervisor Bennington asked if additional bins will be available to those residents who have Waste Management. Chairman Bennett deals with them also, and he does not recall receiving that letter. Supervisor Fox commented Waste Management has been collecting those items at the drop-off center, as well as co-mingled materials, clothing, and tin cans, though they are experiencing problems disposing of their plastic containers.

Supervisor Fox noted the Recycling Committee will be making a recommendation to the Board of Supervisors to allow those haulers who wish, to collect other recyclable items. This would increase Hilltown Township's percentage. One of the haulers was at 9%, one at 13%, and Waste Management was at 43%, for the total waste that was being recycled.

Mr. Horrocks believes that residents who have Waste Management as a hauler can recycle plastics and other items, however they will not be collected, they must be brought into the drop-off center. Mr. Horrocks will clarify that with Mr. Godshall of Waste Management.

In the same vein, Supervisor Fox stated the Recycling Committee has recommended to the Board that they be called "Recycling and Environmental Concerns Committee".

4. Concerning Walnut Street and Rt. 152, Supervisor Bennington asked if the Township needs to proceed with going out on bids for that reconstruction. Mr. Wynn replied the Township should first acquire all the right-of-way before proceeding. Supervisor Bennington understood that is in the process of being rectified at this point in time. Mr. Wynn believes that since we originally anticipated spring construction, a new Wage Statement will have to be obtained from Labor and Industry. The prevailing Wage Statement is only valid for six months, and Mr. Wynn had received it in January, after anticipating spring construction. If the Board desires, Mr. Wynn can apply for a new Wage Statement. Once that has been received, the Township can advertise for bids.

5. Supervisor Fox explained the Recycling Committee asked if Mr. Horrocks could advertise for two more members to serve on that committee, bringing the total number of members to seven.

M. LINENS FOR SIGNATURE:

1. BOCN Corporation

N. PRESS CONFERENCE: Upon motion by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously, the Hilltown Township Board of Supervisor's meeting of May 26, 1992 was adjourned at 9:20PM.

Respectfully submitted,

Lynda Seimes

Lynda Seimes
Township Secretary