

HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED PUBLIC MEETING
Monday, April 27, 1992
7:30PM

(STUDENT DAY PARTICIPATION)

The meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr. at 7:27PM and opened with the Pledge of Allegiance.

In recognition of Local Government Week, Chairman Bennett introduced the following three students from local elementary schools who will be "Acting Supervisors" for a portion of tonight's meeting:

- Chairman: Steven Donovan (Our Lady of Sacred Heart)
- Vice-Chairperson: Sally Leatherman (John M. Grasse)
- Supervisor: Shelley Maxwell (Margaret Seylar)

Mr. Donovan is an eighth grade student at Our Lady of Sacred Heart School. He is the son of Elizabeth and John Donovan of Tiffany Drive.

Ms. Leatherman is a sixth grade student at John M. Grasse Elementary School. She is the daughter of Denise and Scott Leatherman of Narothyn Road.

Ms. Maxwell is a sixth grade student at Margaret Seylar Elementary School. She is the daughter of Ruth and Robert Maxwell of Woodlawn Drive.

All three students have been active participants with the Deep Run Valley Sports Association.

Chairman Bennett explained Local Government Week was observed the week of April 13, 1992. It is a week in which Mr. George Egly - Chief of Police, Mr. Bruce Horrocks - Township Manager, and Mr. William Bennett - Chairman of the Supervisors, visit the three Hilltown Township elementary schools to speak to the students about local government.

- Members present were: William H. Bennett, Jr. - Chairman
- Kenneth B. Bennington - Vice-Chairman
- Jack C. Fox - Supervisor

- Others present were: Above named "Acting Student Supervisors"
- Bruce G. Horrocks, Township Manager
- Francis X. Grabowski, Township Solicitor
- Mike Russek, Township Engineer's Office
- George C. Egly, Chief of Police
- Lynda Seimes, Township Secretary

Chairman Donovan welcomed those present to the Local Government Week Observance meeting of the Hilltown Township Board of Supervisors.

A. APPROVAL OF MINUTES:

Action on the minutes of March 23, 1992 Board of Supervisor's Meeting:

Motion was made by Supervisor Leatherman, seconded by Supervisor Maxwell, and carried unanimously to approve the minutes of the March 23, 1992 Board of Supervisor's meeting, as written.

Action on the minutes of April 13, 1992 Board of Supervisor's Worksession Meeting:

Motion was made by Supervisor Maxwell, seconded by Supervisor Leatherman, and carried unanimously to approve the minutes of the April 13, 1992 Board of Supervisor's Worksession Meeting, as written.

B. APPROVAL OF CURRENT BILLING:

Chairman Donovan presented three Bills Lists for approval this evening:

Bills paid April 1, 1992:
General Fund - \$30,980.89
State Highway Aid - \$2,449.74
For a total of all funds of \$33,430.63

Bills paid April 15, 1992:
General Fund - \$18,709.36
State Highway Aid - \$828.26
For a total of all funds of \$19,537.62

Bills paid for April 23, 1992:
General Fund - \$22,132.40
For a total of all funds of \$22,132.40

Supervisor Leatherman questioned the deduction in the amount of \$2,500.00 to the Scottsdale Insurance Company, on page four of the Bills List dated April 1, 1992. Mr. Horrocks explained that bill was a deductible for the insurance policy that the Township has for a certain case that is pending. The Township has now reached that deductible, and payment was forwarded to the insurance company. Supervisor Leatherman asked why there was such a high deductible. Mr. Horrocks noted that is our insurance policy's deductible on that particular insurance coverage.

Concerning the April 1, 1992 Bills List, Supervisor Leatherman questioned the Police Benevolent Association deductible of \$360.00 for PBA dues. Since January 1, 1992, Mr. Horrocks advised the Township has been collecting the dues for the Police Benevolent Association in the amount of \$5.00 per week per officer. Quarterly, the Township pays that amount to the P.B.A.

Motion was made by Supervisor Leatherman, seconded by Supervisor Maxwell, and carried unanimously to approve payment of bills when due.

C. TREASURER'S REPORT:

Mr. Horrocks, Township Manager, presented the Treasurer's Report, with the following balances as of April 23, 1992:

General Fund Checking Account
End of Month Balance: \$15,072.24

Payroll Checking Account
End of Month Balance: \$40,988.88

Fire Fund Checking Account
End of Month Balance: \$67,851.42

Debt Service Checking Account
End of Month Balance: \$66,939.36

State Highway Aid Checking Account
End of Month Balance: \$21,591.06

Escrow Fund Checking Account
End of Month Balance: \$121,610.96

For the Board's information, Mr. Horrocks presented a revenue comparison of the first quarter of 1991 versus 1992. Total revenues to date, excluding any revenues received from a Tax Anticipation Note, in 1991 was \$313,230.00. In 1992, the total is \$397,407.00, which is an increase of approximately 27% in revenues for the first quarter. Expenditures for the first quarter of 1991 totalled \$442,577.00. The first quarter of 1992 totals \$436,794.00, which is a reduction of 1.3%.

Mr. Horrocks noted the bottom line in comparing the first quarter of 1991 to first quarter of 1992 is that one year ago, at the end of the first quarter, the Township was approximately \$129,347.00 in debt. At the end of the first quarter for 1992, the Township is approximately \$39,387.00 in debt. The Township has significantly improved through the first quarter of this year.

Motion was made by Supervisor Maxwell, seconded by Supervisor Leatherman, and carried unanimously to accept the Treasurer's Report, subject to audit.

D. SOLICITOR'S REPORT - Mr. Frank Grabowski, Township Solicitor

1. Solicitor Grabowski presented a series of Resolutions for possible adoption by the Board of Supervisors. The resolutions are required for Deeds of Dedication which have been offered to the Township. Solicitor Grabowski submitted a list of the Deeds of Dedication.

The first Deed of Dedication is for land that is being offered to the Township by way of the Croll and Miller Subdivision on Callowhill Road. The second is a Deed of Dedication for the Joseph Urick Subdivision, located at the intersection of Blue School Road and Old Bethlehem Road. The third is a Deed of Dedication offered for the Elizabeth Finkelstein Subdivision, located on Orchard Road.

The Resolutions to adopt the abovementioned Deeds of Dedication, as well as to Declare the Public Purpose for the Subdivisions, are as follows:

Motion was made by Chairman Donovan, seconded by Supervisor Leatherman, and carried unanimously to adopt Resolutions #92-16 through Resolutions #92-21, as specified below:

Resolution #92-16 - To accept Deed of Dedication for Croll and Miller Subdivision, located on Callowhill Road.

Resolution #92-17 - To Declare Public Purpose for the Croll and Miller Subdivision, located on Callowhill Road.

Resolution #92-18 - To accept Deed of Dedication for the Joseph Urick Subdivision, located on Blue School and Old Bethlehem Roads.

Resolution #92-19 - To Declare Public Purpose for the Joseph Urick Subdivision, located on Blue School and Old Bethlehem Roads.

Resolution #92-20 - To accept Deed of Dedication for the Elizabeth Finkelstein Subdivision, located on Orchard Road.

Resolution #92-21 - To Declare Public Purpose for the Elizabeth Finkelstein Subdivision, located on Orchard Road.

2. Solicitor Grabowski explained an advertised Public Hearing was held by the Board of Supervisors at their Worksession on April 13, 1992, concerning a proposed Ordinance which would enact certain water conservation measures, as recommended by the Delaware River Basin Commission. The Public Hearing of April 13th included discussion by residents. At that time, the Board of Supervisors tabled rendering a decision on the Ordinance for action this evening.

Motion was made by Chairman Donovan, seconded by Supervisor Leatherman, and carried unanimously to adopt Ordinance #92-1 concerning Water Conservation Requirements in Hilltown Township.

3. Solicitor Grabowski stated the Township currently has an Ordinance enacted in December of 1968, which does not take into account the creation of the Hilltown Township Water and Sewer Authority. The Ordinance - #68-1 - speaks in terms of public water service being provided within the Township of Hilltown by Perkasio, Sellersville and Telford, however it obviously does not recognize the Township's own Water and Sewer Authority, or any other Authority that provides water/sewer service within the Township.

Solicitor Grabowski is seeking direction from the Board as to whether they wish to authorize advertisement of a Public Hearing at the next Worksession meeting, to consider the possible repeal of Ordinance #68-1.

Motion was made by Chairman Donovan, seconded by Supervisor Maxwell, and carried unanimously to authorize the Township Solicitor to advertise for a Public Hearing concerning the abovementioned issue to be held at the next Board of Supervisor's Worksession on Monday, May 11, 1992.

E. RECESS: Chairman Bennett called a short recess to allow opportunity for the press to photograph the participating student Supervisors and to present the students with gifts of appreciation. The Board of Supervisors thanked the students for their participation in the Student Government portion of this meeting.

F. RESIDENT'S COMMENTS ON AGENDA ITEMS ONLY:

1. Mrs. Jackie Keresco, 38 Pineside Drive - Mrs. Keresco received information concerning the proposed incinerator in Falls Township. After reading this information, Mrs. Keresco admits she has concerns about incinerators in general, and feels that incineration directly counters the recycling programs currently in effect in Bucks County. Mrs. Keresco stated the residents in her neighborhood have been very enthusiastic about the recycling program which has been implemented. Since the proposed incinerator will be burning strictly solid waste, Mrs. Keresco feels the recycling program would become less important.

The issue that bothers Mrs. Keresco the most about the proposed incinerator is that they do spew out toxic materials, via the steam. Mrs. Keresco has two small children and is concerned for their future. From her understanding, the mercury and lead levels that have been tested in the areas where incinerators currently operate, are up in the toxic ranges and do cause health problems. Mrs. Keresco is married to a doctor and is very concerned about health care. Her general feeling is that anything that would create more harm than good, is not a viable solution to the problem of waste.

2. Mr. Richard McNutt, a representative of the Bucks County Alliance for a Safe Environment - Mr. McNutt wished to ratify the statements previously made by Mrs. Keresco, and pointed out that a vote for the option of incineration is a direct vote against the option of recycling. Mr. McNutt felt recyclables compete in the waste stream. As the Board of Supervisors search for options, Mr. McNutt asked them to note that they have seven to ten years to make a decision. Choosing the option of recycling, as opposed to incineration, would open up the opportunity for markets to be developed and for recycling to become a long-term solution to the problem. Keeping in mind that incineration is not a disposal method, it is a reduction method, and that one hundred percent of what is burned goes directly back into the environment, either in the air or in the bottom ash of the incinerator. Forty percent of what goes into the incinerator needs to be land filled in a toxic landfill. Mr. McNutt felt incineration reduces a small amount of waste, yet invites the option to burn waste hauled from other states in Falls Township.

3. Mr. John Bolger - Mr. Bolger has not done much research on this particular subject, and asked if the incinerator issue was placed on the agenda simply for the Board's discussion, or if there was someone interested in constructing an incinerator in the area.

Chairman Bennett explained an agreement was signed between Bucks County and Wheelabrator to construct an incineration facility in Falls Township to be completed in late 1993 or 1994. This issue has sparked quite a controversy. Bucks County has asked all fifty four municipalities in the County to state their preference, which is basically an option at this time, if they are in favor of or against an option to use the proposed facility sometime in the future. It is the Board's intention to vote on this matter later this evening.

It would seem to Mr. Bolger that many residents in this community, are here because of the clean air. For someone to construct an incinerator, it would be stealing clean air from the citizens. Mr. Bolger asked where Waste Management fits into this. Frankly, Chairman Bennett felt Waste Management would be in favor of construction of the incinerator, for the very fact that they own 57% of Wheelabrator. Mr. Bolger felt Waste Management, through Alderfer and Frank in Hilltown Township, are slowly but surely taking over all the trash collection business in this Township. Chairman Bennett noted the largest trash hauler in Hilltown Township at this time happens to be BFI. Mr. Bolger asked if the Township was regulating these two giants in the trash hauling business. Chairman Bennett replied that the Township is not at the present time.

Mr. Bolger is afraid that the small trash haulers will be forced out of business if the giants in the industry continue to take over. Chairman Bennett stated it has certainly been going that way for some time. Approximately five years ago, there were eight or nine licensed trash haulers in Hilltown Township, and at present, there are only five licensed haulers.

4. Mr. Devon West - Mr. West, a representative of Wheelabrator, wished to clear up a few inaccuracies discussed this evening, and to give the Board an idea of what is being proposed and who will be serviced by the construction of the proposed incinerator in Falls Township.

Mr. West explained the proposed facility is a modern waste-to-energy plant. Many people are frightened due to the obsolete information circulating regarding some of the older incinerators. In this day and age, a modern waste-to-energy plant is basically a utility plant powered by municipal solid waste, and through a clean process, is creating electricity.

When the Board approved Bucks County's Solid Waste Plan, there were nine facilities named that could, through a trash hauler, receive Hilltown Township's municipal solid waste. This Solid Waste Plan was approved, and what is before the Board this evening is the option of utilizing the Wheelabrator facility in future years. When the facility is built, it will offer Bucks County municipalities capacity for 25 to 30 years.

With regard to recycling, Mr. West stated they constantly hear that Wheelabrator will discourage recycling. Mr. West noted that is the furthestest thing from the truth. Wheelabrator proposes to construct a 300 ton per day commercial recycling facility, on-site, next to the waste-to-energy plant. It will be a very large recycling processing facility. Wheelabrator will only sign municipalities that have existing recycling programs in place. Also, if a Township makes a commitment for 100 tons per year of municipal solid waste, and can effectively show that they are recycling 100%, the municipality would owe nothing to Wheelabrator. Mr. West felt that showed the encouragement is back to the community to do the best recycling job that they can do.

When people make references to the old stigma of incineration, there is much concern about what is going into the air. The people who are employed by Wheelabrator have families, also live near the incinerator facilities, and feel they are very safe. In fact, a division of Wheelabrator, called Wheelabrator Air Pollution Control from Pittsburg, is in that area retrofitting coal and gas fired utility plants with pollution equipment, resulting in an increase in ambient air quality. Mr. West felt the work that Wheelabrator does is to make a cleaner and healthier environment.

Mr. West explained this facility will be built in Falls Township, and will offer Hilltown Township capacity for 20 to 30 years. At some time in the future, Hilltown Township may want to have the option of directing their solid waste to the Falls Township incineration facility. Mr. West is asking the Board of Supervisors to preserve that option.

Supervisor Bennington felt some of Mr. West's statement was incorrect because if twenty eight of Bucks County's municipalities reject it, Wheelabrator will not be building a plant in Falls Township. Supervisor Fox explained the plant will be built one way or the other. Supervisor Bennington asked what the Board's vote was worth this evening. Mr. West explained the Board will be voting on whether Hilltown Township will have the option to utilize the Falls Township incinerator facility in the future. The worst scenario is that Bucks County could "shoot itself in the foot" by prohibiting itself from using the facility.

Supervisor Bennington asked if he was correct in stating that three incinerator plants are being constructed in Montgomery County. Mr. West replied that information is incorrect, there is only one facility that was constructed and is operating in Plymouth Township, which services Montgomery County. Supervisor Bennington asked if there was a plant in Delaware County with capacity available. Mr. West replied there is a plant in Chester City, Delaware County, that is currently taking waste, with some excess capacity.

Mr. West explained when DER reviews a permit, there is a "needs justification" process to be met. DER will not permit construction of an additional facility if they warrant there is existing capacity available elsewhere. Wheelabrator has every belief that DER will permit their proposed facility next month.

Supervisor Bennington asked if most of the waste is coming from Philadelphia and northern New Jersey. Mr. West replied Wheelabrator has a contract with Philadelphia to take 30% of their waste, beginning in 1994. Currently, 100% of Philadelphia waste is coming to Bucks County, and the contract with the City of Philadelphia will result in a net decrease of 70% of that waste beginning in 1994. Mr. West noted these facilities run at approximately 85% capacity, or 1,900 tons per day. Philadelphia's waste would be between 700 to 1,000 tons per day, and Wheelabrator would obviously be offering the remaining capacity - first and foremost - to Bucks County.

Governor Casey has introduced legislation that Mr. West believes will be enacted this summer, which basically will create four waste shed zones in the state of Pennsylvania. This will erect barriers for accepting out-of-state waste. Mr. West felt the Board's reservations and concerns about New Jersey's waste entering the state are unwarranted.

Supervisor Bennington asked how Wheelabrator can guarantee that there is no hazardous materials coming to the incinerator from Philadelphia. Mr. West noted several steps are taken to prevent that. The first step is taken right at the weigh house, where geiger counters exist, and visual inspections take place at three different areas before the waste would be dumped into the pit. The waste is a "fuel", and the more Wheelabrator knows or can detect about what comprises that fuel, the more efficiently they can run the facility, and maintain a "clean burn", as far as emissions. Chairman Bennett understood that metals will be removed from the waste stream before they go into the incinerator. Mr. West replied that is correct. Wheelabrator believes that the best place to remove such items before it becomes municipal solid waste, is at the source. If there is effective source separation - such as removing recyclables, aluminum, tins, etc., what is burned becomes a more uniform fuel. Mr. West understands resident's concerns, since there is a lot of information circulating that is factually incorrect and misleading.

5. Mr. Richard McNutt - Mr. McNutt stated the proposed incinerator in Falls Township is not inevitable, as it has not yet been permitted. The issue concerning the option is that DER has a process of justification, and the plant must be justified before it can be permitted. It has not yet been acknowledged that there is a committed base of customers for this facility, and DER will take this into consideration, according to their own rules of Act 101.

Last week, Mr. McNutt spoke to officials of Westinghouse, who are the owners of the Chester plant, and they stated they have capacity remaining at this point. If Philadelphia would contract with them, they would be able to take their waste within two weeks. Westinghouse does not consider Bucks County's waste to be significant, and they certainly have capacity to cover that, as they have many short term contracts.

This month, in Business Week magazine, Mr. McNutt cited an article called "The Ugly Mess at Waste Management". The article was written about an incinerator owned by Waste Management in Chicago. Mr. McNutt quoted short paragraphs of the article, which follows:

"On February 13, 1991, an explosion rocked the incinerator, releasing toxic fumes. Workers, unsure of what they were handling, had fed a packet containing explosive tetrazol into the kiln."

(Mr. McNutt noted tetrazol is an ingredient similar to dynamite, and did not feel the process was too well monitored.)

Another quote from the article is as follows:

"Pollution gauges had been turned off four times in 1986 and 1987. An access PCB waste was fed into the kiln atleast once, on purpose. The attitude was 'I don't want to know how you do it, just keep turning in the results'. A common joke among employees went 'If the boss calls, get his name'."

Mr. McNutt feels the type of mis-information that Wheelabrator is passing along tonight is a habitual process for the company. The company has been fined \$27 million in this country for various violations.

Another significant piece of information in the sense of municipal planning, is that Wheelabrator/Waste Management incinerators go out for bid, yet when the actual cost comes in, the averages are well over 100% higher than the bid. Mr. McNutt felt Wheelabrator/Waste Management was a very treacherous company to be dealing with on the level of long-term municipal planning, and felt it could be very dangerous and destructive.

Supervisor Bennington asked for clarification of Mr. McNutt's statement that there was excess capacity in the Chester plant as well as in the Montgomery County plant to be constructed. Supervisor Bennington noted that Mr. West just stated if there is excess capacity available, DER will not approve the additional plan anyway. Mr. McNutt replied the Montgomery County plant, in his opinion, is not available to accept any waste outside of Montgomery County at all. He believes that is operated by the County. The Westinghouse plant, located in Chester, has excess capacity. Supervisor Bennington asked why DER would be willing to issue a permit for the proposed incinerator in Falls Township if capacity is available elsewhere. Mr. McNutt has told DER just that, and their comment was they will take that into consideration as part of the justification process. The justification process is interesting in that if the host county accepts it, it is a signal to DER that the option is either wanted or needed, which goes very strongly in favor of permitting the facility. Supervisor Bennington asked why the Bucks County Commissioners would then ask the fifty four municipalities to vote either "yes" or "no" to the option. If twenty eight out of the fifty four municipalities disagree with incineration, how can construction of the incinerator be justified. Mr. McNutt stated Mr. West was not completely correct in stating Wheelabrator would "build the plant anyway", though Mr. McNutt feels the correct answer is that Wheelabrator could build it anyway. The fact still remains that it is ultimately up to DER and whether they consider it to be justifiable. If Bucks County accepts the option as part of their waste plan, that is an incentive for the permitting. If it is not accepted as an option in the county waste plan, it is no longer an incentive for the justification process.

6. Mr. Devon West - Mr. West explained the Business Week article Mr. McNutt previously cited refers to a hazardous waste incinerator operated by Waste Management, but what is being discussed tonight is totally different.

What is proposed in Falls Township is a municipal solid waste "trash-to-steam" energy plant, operated and owned by Wheelabrator. Wheelabrator has been in business for twenty years, on their own. Waste Management has recently taken over ownership of Wheelabrator by purchasing 57% of the company.

Concerning the permitting process, DER reviews the permit application, and they are to judge permit applications on it's technical merit, as well as the needs and justification. The signed contract Wheelabrator has with the City of Philadelphia will show justifiable need, and therefore, Mr. West's company fully expects DER will permit their facility next month, and the facility will go into construction in June.

Supervisor Bennington asked what Falls Township vote was on the issue. Mr. West replied, when Falls Township originally voted it was 3-2. They cannot vote at this time on the issue. Supervisor Bennington asked if the 3-2 vote was taken by the previous Board of Supervisors. Mr. West replied that it was, and they only voted after considerable studies were completed. Supervisor Bennington understands the new Falls Township Board of Supervisors would like to overturn that decision. Mr. West commented these issues become very political, due to the misconstrued information that is circulating. Mr. West felt what exists is a beneficial option of reducing waste, even though recycling exists. There is always "left-over waste" which cannot be recycled. Obviously, some of it will go to a landfill, however, by recovering energy out of a portion of the left-over waste, in a clean way, electricity can be created and there can be an obvious benefit.

7. Mr. John Bolger - Mr. Bolger asked if the justification for Wheelabrator/Waste Management to construct an incinerator in Falls Township is because the City of Philadelphia has a signed contract with them. Supervisor Fox explained a plan was distributed from the State to each County, requesting the counties establish a recycling plan. Bucks County devised a plan which all fifty four municipalities approved, and the option before the Board tonight is a direct result of the approval of that plan. Supervisor Fox felt what is happening tonight is that we are re-hashing something that has already been approved. The only difference is that if Hilltown Township says they do not wish to use the incinerator, Bucks County communities will never be able to utilize it in the future, even when our landfills reach capacity. Supervisor Fox believes the proposed incinerator will be built.

Mr. Bolger asked why the trash-to-steam facility isn't being proposed to be constructed in the City of Philadelphia, since the company holds a contract with them. Supervisor Fox thought that was a rhetorical question because Bucks County has previously approved this plan. The only issue before the Board this evening

is whether the municipalities in Bucks County wish to accept the option of using the incinerator either now or in the future, for remaining municipal waste that cannot be recycled. Mr. Bolger asked who the plan was approved by. Supervisor Fox replied the plan has been approved by the State for Bucks County and the Bucks County Commissioner's have accepted it.

Mr. Bolger is alarmed to hear that residents of Falls Township do not want the incinerator built in their municipality. Now that trash will also be hauled in from the City of Philadelphia to the Falls Township facility, if Hilltown Township approves their option this evening, it will lend credence to Wheelabrator's quest to obtain a permit from DER.

It is Chairman Bennett's opinion that there is an unfortunate amount of hysteria involved with this matter, as there is with many environmental issues. In 1970 there were 250 landfills in the state of Pennsylvania; by 1989 there were 71 landfills; and today there are 60 landfills in the state of Pennsylvania, with a number of those being on a "time-closure" basis within the next couple of years. Chairman Bennett doubts there will be more than 15 or 20 landfills in Pennsylvania by 1995. The issue then becomes what to do with the remaining trash that cannot be recycled. In the past, the cities of Boston, Philadelphia, and New York hauled their trash by barge into the ocean, which is no longer permitted. The cost to prepare a landfill is now up to \$250,000.00 per one acre, which is exceptionally expensive. There are only large companies like Waste Management, BFI, or major trash haulers that can afford that kind of money. Personally, Chairman Bennett thinks recycling and incineration are not mutually exclusive, and feels that both methods of disposal are needed. Chairman Bennett also thinks some myths exist concerning hazardous incineration. With incineration, ten tons of waste can be reduced to one ton of solid mass, which would then be dumped into landfills. It is Chairman Bennett's understanding that all of this is not toxic, since metals are all separated at the source. Chairman Bennett asked Mr. West if incineration, in the modern sense, is any different from a utility plant that burns coal or oil. Mr. West replied burning solid waste through incineration makes use of trash to perpetuate energy, and is not a "dirty" method of disposal.

Chairman Bennett advised Bucks County Commissioners have requested all municipalities vote on this option by May 12, 1992. Mr. Horrocks read the request of Bucks County, which states: "Does your governing body wish to reserve the local option of incineration as a method of disposal for your community's solid waste? There are two resolutions to choose from - one would be that Hilltown Township wishes to reserve the local option of incineration as a method of disposal, and the second is that Hilltown Township does not wish to reserve the local option of incineration as a method of disposal. If you do not wish the option, you will offer a 'No' vote resolution, and if you wish the option, you will offer a 'Yes' vote resolution."

Of the fifty four municipalities in Bucks County, Chairman Bennett understood that the current count, as of yesterday, was twenty five for the option, and ten against the option. To avoid further delay, the Board of Supervisors agreed to vote on this issue at this time.

Motion was made by Supervisor Fox, and seconded by Chairman Bennett to adopt Resolution #92-22 to vote yes, to preserve the option if the incinerator is built, to utilize incineration as well as recycling, in the future. Supervisor Bennington was opposed and explained he has major concerns about incineration for many reasons, including health issues, trash coming from Philadelphia, excess capacity, and various other questions that remain unresolved. Motion passed.

Chairman Bennett stated on May 27, 1992, the local Waste Management Facility, Alderfer and Frank, is sponsoring a bus tour which will accomodate approximately 40 people, to make a trip to the Crows Landfill in Lower Bucks County, and then proceed to a Wheelabrator incinerator in Gloucester County, New Jersey. It is estimated this trip would run from 7:30AM to 3:00PM. Anyone who is interested in viewing both a landfill facility and an incinerator, first hand, should contact Mr. Bruce Horrocks, Township Manager, within the next few days.

G. CONFIRMED APPOINTMENTS:

1. Mr. Michael Alderfer - Temporary Use Waiver Request
- Mr. Alderfer of 602 Redwing Road was in attendance and explained their home was lost to fire on January 16, 1992. He, along with his wife and his son are now living with his sister. The Bucks County Board of Health has been working with the Alderfer's to establish a septic system to rebuild a new house. Mr. Alderfer's wife is pregnant, and it has been a real inconvenience to be living with his sister and her family. Mr. Alderfer is requesting permission to reside in an apartment above their barn. He and his family had previously lived in the barn apartment until they were requested, by the Township, to vacate because proper permits and approvals were not received from the Township. At that time, the Alderfers did vacate the apartment. Mr. Alderfer is requesting temporary living arrangements in this barn apartment, until their house is built.

Chairman Bennett noted the Board of Health is apparently suggesting a temporary holding tank, which would be necessary for not more than six months. The rebuilt residence would also require a sand mound, which was already approved. Chairman Bennett asked Mr. Alderfer if the original house had a sand mound. Mr. Alderfer replied the original house had conventional sewage.

Supervisor Bennington cited Mr. Applegate's correspondence dated April 7, 1992 which states "This office shall not approve this temporary use of the storage barn", and asked why Mr. Applegate made that statement. Mr. Horrocks thought Mr. Applegate was addressing the fact that the barn apartment never received the proper inspections, and is questioning the safety aspect. Therefore, Mr. Applegate cannot insure the safety of the structure.

Supervisor Fox asked if the wiring in the barn apartment has since been inspected. Mr. Alderfer replied when the apartment was built, there had been an electrical inspection, however no inspections were done by the Township.

Chairman Bennett asked the likelihood of a new home being built and occupied within six months. Mr. Alderfer hopes to be in the new house before six months, as he has already submitted the plans to Mr. Applegate. Personally, Chairman Bennett would be inclined to view Mr. Alderfer's request favorably, providing Mr. Applegate makes required inspections for safety purposes. Supervisor Fox was in agreement, as long as inspection by Mr. Applegate took place. Supervisor Bennington asked Solicitor Grabowski several questions, to be sure the Township would not be liable, since the apartment was essentially "illegal" as it was constructed without Township knowledge, approval or inspections. Supervisor Bennington does not want Hilltown Township to be held responsible should a fire take place in the barn apartment, because no inspections were done. Supervisor Bennington also does not want to give the Alderfer's approval to use that apartment indefinitely. Supervisor Bennington would be willing to grant the Alderfer's six months to live in the barn apartment until construction of their home is completed. Once the six month time period expires, that temporary permit will become null and void. Supervisor Bennington would also request a letter from Mr. Alderfer stating they would absolve the Township of any responsibility, in the event something would happen in that building.

Concerning the safety aspect of the apartment, Mr. Alderfer explained the barn and apartment does have electronic fire alarms throughout. Chairman Bennett agreed with Supervisor Bennington's suggestions, and also felt Mr. Applegate should inspect the property before the waiver is granted by the Board of Supervisors.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to grant conditional approval for a six month temporary permit to Mr. Michael Alderfer to live in the barn apartment, contingent upon the Code Enforcement Officer's approval. In addition, a letter by the applicant to the Township would be required, absolving the Township of any responsibility.

It is Mr. Alderfer's understanding that Mr. Applegate would not approve his using the barn apartment as a temporary dwelling, though Mr. Alderfer did not know why. Supervisor Bennington asked if Mr. Applegate inspects the site again, and still does not approve the structure, would Mr. Alderfer have the opportunity to make the improvements that would allow occupancy. Chairman Bennett and Supervisor Fox felt that Mr. Alderfer should have that opportunity to correct whatever Mr. Applegate might find fault with. The only thing Mr. Applegate told Mr. Alderfer after walking through the apartment, was that a fire wall would be required along the bottom of the barn, which would be quite an expense to install. Mr. Alderfer did not see the need for the fire wall, since he already has fire alarm systems installed, and felt it would be a rather large expense to go to for a temporary use. Mr. Alderfer does not believe a 3/4" piece of fire wall would help if the situation of fire were to happen again.

Mr. Horrocks will speak to Mr. Applegate, who will inspect the Alderfer property once again and advise his findings to the Board of Supervisors.'

2. Mr. Tom Slotter - Complaint concerning Home Occupations
- Mr. Tom Slotter of 16 South Perkaskie Road, was in attendance to submit several proposals for change to the home occupation and home zoning laws. Mr. Slotter gave a brief explanation of what prompted him to come before the Board of Supervisors to give consideration to these changes. Five months ago, Mr. Slotter's immediate next door neighbor moved a business from Rt. 309 to her home on South Perkaskie Road. No permits were obtained, and no applications were completed. Immediately, Mr. Slotter filed a Zoning Complaint Form. Mr. Slotter's neighbors, Mr. and Mrs. Smith, never received any fines or any "Stop Order" to discontinue this business. The driveways of the two homes are ten feet apart. Mrs. Smith has quite a bit of auto traffic coming to her home to pick up reports, drop off resumes, etc. Mr. Slotter went through this same situation with this same business and the same person when he first purchased his home 13 years ago. Mr. Slotter put up with this for four years, and at that time, the neighbor did not have any permits, approvals or variances through the Township. Mr. Slotter's former home was located in a Commercially zoned district, and he purchased his home in Hilltown Township with the sole intent of being located in a Rural Residential district. Now, unfortunately, he has a business located on his doorstep. Mr. Slotter asked why he, as a property owner in Hilltown Township, doesn't have any rights. Mr. Slotter felt each case or decision should be viewed on an individual basis.

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Supervisor Bennington asked Mr. Slotter when he filed the Zoning Complaint Form. Mr. Slotter replied he filed that form with the Township on December 5, 1991. Mr. Slotter's neighbor recently appealed to the Zoning Hearing Board. The Code Enforcement Officer had filed a court order with the District Justice, and the day before the hearing, Mrs. Smith complied. The Code Enforcement Officer then visited the site to make an inspection.

Supervisor Bennington commented the Board of Supervisors cannot overrule a zoning decision, so therefore the Zoning Hearing Board makes that decision. Supervisor Bennington asked the final decision rendered by the Zoning Hearing Board. Mr. Slotter replied the decision was strictly on the parking issue. The Code Enforcement Officer, during his inspection, told Mrs. Smith that she was required to construct three additional parking spaces. Mrs. Smith then came before the Zoning Hearing Board asking for a variance on this, requiring no parking spaces. The Zoning Hearing Board was unanimous in requiring three parking spaces, though they did not address the issue of the home occupation itself, just the parking issue. Mr. Slotter was under the impression that the Zoning Hearing Board did not have the power to do that, and that Mr. Slotter had to speak to the Supervisors because they were the ones to make a decision for change.

Mr. Horrocks believes what happened at the Zoning Hearing Board meeting was that a variance was not given to the Smith property, and it was given an accessory use, not a home occupation. The Zoning Hearing Board, Mr. Horrocks believes, if they are varying or not varying a parking issue, they are automatically thereby stating the applicant was atleast granted the accessory use ruling. To Mr. Horrocks knowledge, the parking issue was the only reason for Mrs. Smith's appeal to the Zoning Hearing Board. Mr. Slotter stated the Zoning Hearing Board required Mrs. Smith to install the three additional parking spaces, however they did not issue a Cease and Desist Order. Mr. Horrocks did not attend the hearing, however he questions why a variance would be issued or not issued if, in fact, the applicant was dealing with an illegal (by the Zoning Ordinance) situation. Mr. Slotter noted the Code Enforcement Officer told him that the way the process worked, there was nothing he could do to stop the business since home occupations are allowable in that area.

Solicitor Grabowski asked the type of home occupation that Mr. Slotter is speaking of. Mr. Slotter replied the business is a secretarial service, and the Zoning Hearing Board listed it is an "office use", on which they based their determination as far as the parking requirements.

Chairman Bennett asked if Mrs. Smith had more than one employee. Mr. Slotter advised Mrs. Smith does not have more than one employee. The existing home does have a narrow driveway however, and is located on a hill. Both Mr. and Mrs. Smith's cars are normally parked in front of the garage doors, which leaves one additional parking space immediately behind their vehicles. When there is a temporary employee on the site, there are three vehicles in the driveway. Mr. Slotter explained the only way to leave the site is to back out onto the lawn or to back out onto the highway, which happens to be located on a fairly sharp curve. To back out onto the highly traveled roadway would be dangerous.

Mr. Slotter asked why he did not have the opportunity, at the very beginning of this issue, to approach the Board of Supervisors or a District Justice. Mr. Slotter's proposals for changing the process to be issued a license to establish a home occupation are as follows:

1. Any applicant must apply to the Township before any physical changes are made to the property. A heavy fine would be levied if these procedures are not carried out.
2. After an applicant does apply for a home occupation, all adjoining property owners would be notified by registered letter, stating what the proposed plans are for the property.
3. If there are any disagreements among the adjoining property owners, they should have the right to appear before the District Justice or before the Board of Supervisors, to state their case, before any business is begun on the applicant's property.

Mr. Slotter was also told by the Code Enforcement Officer that every home on South Perkaskie Road is eligible for a home occupation. Mr. Slotter felt the other property owners in his neighborhood are unaware of this. Mr. Slotter is home during the day since he works in the evening, and he does not feel he should have to live with a business next door while residing in a Rural Residential area. Chairman Bennett commented the only way the Board of Supervisors learn of such situations is through complaints from neighboring residents. There are over 4,000 homes in Hilltown Township, and only one Code Enforcement Officer, thereby it is virtually impossible to keep track of what is going on in each home. Mr. Slotter stated he had no qualms or complaints about the Code Enforcement Officer. Originally, Mr. Slotter did not know what the laws were, and Mr. Applegate explained them to him thoroughly. Basically, Mr. Applegate told Mr. Slotter that his hands are tied, he can only inspect the property, and he cannot make any changes. Mr. Slotter felt the Board of Supervisors were the only governing body that can correct this injustice.

Supervisor Fox noted almost everything Mr. Slotter suggested currently exists today. An applicant cannot change their home without benefit of a permit, and a home occupation cannot be started without a permit. An applicant is allowed thirty days to come into compliance after someone has filed a Zoning Complaint Form. After that time, each day is a \$500.00 fine, and every day is an additional fine. Supervisor Fox commented the Township is not aware of these things unless residents file a complaint or inform the Code Enforcement Officer. Zoning matters are not the responsibility of the Board of Supervisor's. Those matters are handled by the Code Enforcement Officer and the Zoning Hearing Board.

Mr. Slotter felt Supervisor Fox was missing his point. He, himself, would like to have the opportunity to address the problem before it starts. Supervisor Fox commented Mr. Slotter, as a neighboring property owner, should have received notice of the Zoning Hearing regarding Mrs. Smith's case, which is part of the procedure. Mr. Slotter replied he did receive notice of the Zoning Hearing and he did attend, however that was five months after the filing of his original Zoning Complaint. Mr. Slotter claims he was told there was nothing he could do because the laws were in effect and untouchable. Mr. Slotter felt the Board of Supervisors had the power to make these changes, if someone has a legitimate complaint. Chairman Bennett explained the Township is in the process of updating it's zoning laws, and asked Mr. Slotter to submit his comments, in writing, to Mr. Horrocks for the Board's consideration.

3. Mr. Joe DelCiotto - BFI - Mr. DelCiotto was not in attendance.

H. MANAGER'S REPORT - Mr. Bruce Horrocks -

*Mr. Horrocks thanked the students participating in the Local Government program this evening, and due to the late hour, advised they are permitted to leave the meeting whenever they choose.

1. Hilltown Township has been given the opportunity to purchase additional Law Enforcement Liability Insurance on damages attributable to punitive or exemplary damages. This coverage has not been offered to us before, and is not presently in the budget for this year. Mr. Horrocks noted this a new addition to the policy from Scotsdale Insurance, with the cost being \$1,219.00. Mr. Horrocks recommended the Board approve this addition, as he feels it would be well worth it's value. Chairman Bennett agreed with Mr. Horrocks, since every one is so law suit conscious today, and felt it was good coverage for a small amount of money.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to pay the additional premium of \$1,219.00 to purchase the Law Enforcement Liability Insurance for punitive or exemplary damages.

2. Mr. Horrocks presented the following sixteen Escrow Releases (all bank held) for the Board's approval:

BFI	Voucher #7	\$1,240.05
BFI	Voucher #8	\$1,295.18
Carney Land Dev.	Voucher #4	\$ 407.25
Carney Land Dev.	Voucher #5	\$17,934.30
Carney Land Dev.	Voucher #6	\$2,000.00
Cefelli	Voucher #6	\$1,186.53
Cefelli	Voucher #7	\$31,445.87
Deerfield	Voucher #27	\$ 220.45
Hickory Hamlet Phase II	Voucher #24	\$ 180.95
Hickory Hamlet Phase II	Voucher #25	\$11,227.91
Orchard Station	Voucher #21	\$ 421.85
Sterling Knoll Phase II	Voucher #45	\$ 148.45
Stoneycrest	Voucher #6	\$14,487.75
Stoneycrest	Voucher #7	\$ 383.40
St. Philip's Church	Voucher #9	\$5,919.63
Summit Court	Voucher #30	\$ 193.35

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

3. Concerning the Community Development Block Grant for the Hilltown Historical Society, Mr. Horrocks presented a standardform contract from Bucks County in the amount of \$35,300.00 for the Board to sign following this meeting.

4. Mr. Horrocks requests a motion from the Board to enact a policy on a permit for use of Hilltown Township facilities. This would include use of any Township facility by any organization (other than a direct committee or board of this Township), including rental of the Scout Cabin, the former Municipal Building, the former Civic Field, or the present meeting room. It is a very simple form which will include a "hold harmless agreement" for the Township's protection. This form was reviewed by the Township Solicitor's office, and originated from a recommendation by an insurer of Hilltown Township and the Park and Recreation Board.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to adopt the Permit for Use of any Township facilities.

5. Mr. Horrocks called for a motion on Paul Heck's request, which was discussed at the last Worksession meeting concerning the elevator requirement.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant Mr. Paul Heck's request concerning placing a hold of 9 to 12 months (maximum) on the requirement for installing the elevator.

6. A request was received from the Pennridge Aquatic Club seeking a donation from Hilltown Township. In 1991, the Supervisors did not make a donation, and in 1990, the Supervisors made a donation of \$100.00 to the Pennridge Aquatic Club. Mr. Horrocks commented Hilltown Township residents are welcome to try out for the team and to make use of the facilities at the Holiday House pool.

Chairman Bennett asked if Hilltown residents must pay to use the Holiday House pool. Mr. Horrocks replied that they do, and stated the Pennridge Aquatic Club is a swim team which uses the Holiday House pool.

Supervisors Bennington and Fox asked if there was funds available in the contributions account of the budget. Mr. Horrocks replied technically, on the budget, there are no dollars shown under Program Participation this year. Nothing was budgeted for Park and Recreation for this year either, assuming that it was all capital going into renovating the former Civic Field.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to donate \$100.00 to the Pennridge Aquatic Club.

7. Approximately one month ago, the Board of Supervisors asked Mr. Horrocks to find out if the Bux-Mont Two Cylinder Club, who previously requested a waiver of fees for Scout Cabin rental, was a legal non-profit organization. Mr. Horrocks noted that the Bux-Mont Two Cylinder Club is a non-profit organization and they do have a tax identification number.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to waive Scout Cabin rental fees for the Bux-Mont Two Cylinder Club's use of the cabin in September.

8. Hilltown Township has received a request for refund of a \$25.00 zoning fee, after the zoning permit for a sign was denied. The permit was denied because the zoning district where the home is located does not allow it.

Supervisor Fox knew of this case, and explained the applicant had completed a sign permit to advertise his business. The money for the permit was accepted by the Township, and the application was later rejected, by letter. Supervisor Fox believes the applicant should have been told, when he applied for the permit, that a sign was not allowed in that zoning district.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to return the \$25.00 fee for a sign permit to the applicant.

9. Hilltown Township was recently audited by the State Auditor's office for the 1990 Liquid Fuels account. There were no findings. All beginning and ending balances matched and were correct, and the audit was completed without incidence.

Chairman Bennett asked if the Township has received any Liquid Fuels monies to date. Mr. Horrocks replied the only funds received for Liquid Fuels was the turnback monies. Chairman Bennett read in the newspaper that Richland Township received \$112,000.00 for Liquid Fuels, after expecting only \$102,000.00.

10. As a reminder, on Thursday, April 30, 1992 at 7:30PM, the Upper Bucks Consortium will be holding an evening meeting at the Hilltown Township Municipal Building. James Greenwood, Paul Clymer, and David Heckler will be the speakers. The public is invited to attend. Since it is a Consortium meeting, they will be adhering to their regular meeting agenda.

11. Mr. Horrocks advised that approximately 27 different individuals or organizations are presently mailed the monthly Board of Supervisor's meeting minutes. Since the Township has gone to a Worksession meeting format for the first meeting of each month, the minutes from the regularly scheduled Board of Supervisor's meeting are averaging approximately 30 pages, sometimes more. This raises the cost of postage to anywhere from \$1.00 to \$2.00 per envelope. Mr. Horrocks suggested that instead of mailing copies of the minutes to 27 different individuals, mail them to only 5 individuals, which would be chairmans of the various boards, plus the Township Solicitor and Township Engineer. A letter could be sent to those who had previously received copies of these minutes in the past, explaining that if they would like to obtain a copy of minutes, they are more than welcome to pick them up at the Township building.

Supervisor Fox suggested leaving all minutes here at the Township building for pick-up by the chairmans of the various boards for distribution at their individual meetings. The Board was in agreement with both suggestions.

12. Mr. Buzby, Director of Public Works, has requested authorization for Hilltown Township to go out on bid for Bituminous Seal Coat and other road materials. The Board was in agreement to authorize Mr. Buzby to advertise bids for Bituminous Seal Coat and other road materials.

13. Mr. Horrocks asked the press to announce H & K Quarry's offer of a tour of the Skunk Hollow Road facility to all Hilltown Township residents. Chairman Bennett asked if a date had been set for the tour. Mr. Horrocks replied a confirmed date has not yet been set at this time. If anyone is interested in touring the Skunk Hollow Road facility, they should contact either Lynda Seimes, Township Secretary, or Mr. Horrocks, Township Manager, at the Township office. Scheduling a date for the tour will depend upon the response received from the community. Mr. Horrocks presently has 5 residents interested in the tour.

I. CORRESPONDENCE:

1. A letter has been received from the Borough of Dublin, asking the Board's feelings on the possibility of Dublin Borough offering sewer connection to St. Luke's Lutheran Church, located on Rt. 313 in Hilltown Township. Mr. Horrocks discussed this possibility with the Operations Manager of the Hilltown Township Water and Sewer Authority, Mr. Tom Wynkoop. Hilltown Township's sewer line is not presently located in the area of the church or even close to it, at this point. As long as this Board would be willing to allow the sewer connection to the church only, Mr. Wynkoop felt the Hilltown Township Water and Sewer Authority would have no problem with it. Solicitor Grabowski advised a Planning Module would be required to be submitted to the Township.

Supervisor Fox asked if there would be any potential problems, in future years, by allowing Dublin Borough to enter Hilltown Township with sewer lines. Mr. Frank Beck, Vice-Chairman of the Water and Sewer Authority did not know where Dublin Borough's line runs, nor did he know how far over the line the church is in Hilltown. Supervisor Fox stated there is public sewer at the State Police barracks and at the Dublin Fire Company. All Dublin Borough would have to do is cross the street into Hilltown Township. Mr. Beck stated if Mr. Wynkoop had no problem with Dublin Borough's request, and if the Board of Supervisors are willing to pass a Resolution that Dublin Borough only services the church with their sewer line, he does not feel the Authority will object.

Mr. John Bender, a member of the Hilltown Township Water and Sewer Authority, asked if that connection will be off Rt. 313 or off Quarry Road. Mr. Horrocks replied Dublin Borough has not yet defined that point at this time, and he is not sure.

The next step, Solicitor Grabowski replied, would be for the church to file certain documents with the Township, and also with the Department of Environmental Resources, which would give the exact route, length and location of the sewer. All this information would need to be approved, officially, at a public Township meeting.

Chief George Egly felt the Board would be opening a "pandora's box" by allowing Dublin Borough to run a sewer line to the church. Chief Egly thought that if a sewer line was run to the church, all the residents along Rickert Road would be bypassed and may become upset, since they are presently experiencing problems with their sewers. All those homes and businesses would be bypassed to run the sewer line to the church alone, and Chief Egly felt problems may arise because of it.

Mr. Beck suggested the situation be reviewed by the Hilltown Township Water and Sewer Authority before the Board of Supervisors makes a decision. The Board was in agreement.

3. The Bucks County Opportunity Council will be sponsoring a Surplus Food Distribution at the Hilltown Township Municipal Building on Thursday, June 11, 1992 from 2:00PM to 4:00PM.

4. Another request for addition into the Agricultural Security District of Hilltown Township has been received. Mr. Horrocks will attempt to ask the recent applicants to either withdraw their request, or grant the Township a six month extension for addition. Mr. Horrocks would like this addition, as well as any further addition requests we may receive over the next six months, be tied into our seven year review, which is required during January, February and March of 1993. Mr. Horrocks explained there is quite a process involved in making additions to the Agricultural Security District, and he is hoping the recent applicants will be willing to grant an extension.

J. PLANNING - Mr. Mike Russek - Township Engineer's Office

1. Jerry's Auto Body - Final - Mr. Russek presented the land development plan for Jerry's Auto Body, located in the Commercial Zoning District on Bethlehem Pike. This plan was previously before the Board and received preliminary approval, and is currently before the Board for final approval. The applicant is proposing an addition to the existing auto body shop of 3,750 sq. ft., and also the addition of a proposed office of 616 sq. ft. One of the two outstanding items remaining includes an agreement to be executed with the Township for provision of additional parking if it is determined one year from the date of occupancy that additional parking is needed.

The applicant is requesting a reduction from the required number of spaces, and they do have an area reserved for those additional spaces if a parking problem ever occurs. The second outstanding item is an escrow agreement which must be executed to guarantee the installation of all public improvements. The main improvement being performed to the property are revisions to the detention facility for stormwater management runoff and landscape plantings. Mr. Russek advised this plan has received a unanimous recommendation from the Planning Commission for final plan approval.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to grant conditional final approval to the Jerry's Auto Body plan, based on comments by the Planning Commission and Mr. Wynn's engineering review letter.

2. Vulcan Springs - Final - Mr. Russek noted Vulcan Springs Manufacturing Company is located on Schoolhouse Road, within the Light Industrial Zoning District. The current proposal is for a two phase expansion of a warehouse, with both proposed expansions being 22,000 sq. ft. each. There is also a future office facility proposed, which will be constructed under Phase II, consisting of approximately 5,000 sq. ft. The plan was given unanimous recommendation for final plan approval by the Planning Commission, under the condition of an escrow agreement regarding the public improvements. In this case, the major improvement is the detention basin for stormwater management.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to approve the final plan for Vulcan Springs Manufacturing Company, with the conditions set forth by the Planning Commission.

3. Anders Carpets - Preliminary - The Planning Commission recommended conditional preliminary plan approval of the proposed land development located on Bethlehem Pike, opposite the intersection of Central Avenue, conditional upon completion of all outstanding items. This recommendation was given based upon the engineering review dated March 31, 1992. The property is split by two separate zoning districts. The rear portion of the property is located within the Rural Residential Zoning District, and the front portion of the property is located within the Planned Commercial I Zoning District. The applicant is proposing to change the use of the property to accommodate two proposed warehouses, and an 835 sq. ft. office addition for a business.

Mr. Russek explained when the plan was initially submitted, there was a proposal for a cul-de-sac turnaround, which would have extended into the Rural Residential Zoning District, and also

there was an additional 1,300 sq. ft. office addition proposed to the front of the property. The current plan does not have those proposed improvements basically because of the need of zoning variances that would have to be obtained for a non-conformity. Therefore, the current plan has eliminated those items. If the applicant would ever apply for that expansion, they would appear before the Zoning Hearing Board for the necessary variances. The applicant has provided site capacity calculations on the plan, which are not necessary in this case, and those should be removed to avoid confusion. There was also a concern that there was post-construction within an area delineated as potential wetland areas, however those proposed improvements have been removed from those portions of the site. Clarification needs to be performed to the Erosion Control Report and Detention Basin Study. A PennDOT highway occupancy permit is required for the new driveway access. Approval from the Telford Borough Authority for water and sewer services to the property is required. DER approval for planning modules is necessary, as well as receipt of the Bucks County Conservation District approval for Erosion and Sedimentation Control Measures. Property monumentation installation is required prior to plan recordation. The ultimate right-of-way of Bethlehem Pike should be offered for dedication to Hilltown Township, in accordance with Subdivision/Land Development Ordinance, Section 403. There are also some various engineering/drafting details which must be addressed.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant conditional preliminary approval to the Ander's Carpet Land Development plan with the conditions as noted.

K. ENGINEERING - Mr. Mike Russek - Township Engineer's Office

1. Hickory Hamlet II - Phase II - Mr. Russek advised the maintenance period for the project has expired and at this time, he is asking the Board for a motion to accept the completion of the maintenance period. Mr. Hackett has performed the necessary maintenance items which were required, including replacement of a street tree and some additional right-of-way maintenance. Everything appears to be satisfactory.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to return the escrow for Hickory Hamlet II, Phase II Subdivision.

2. Deerfield Subdivision - A request has been received from the Oxford Land Development, dated April 20, 1992, requesting a one year extension to their escrow agreement and financial security agreement with the Township for completion of the necessary public improvements. At this point, the applicant

expects they may have the improvements completed prior to the end of the summer or the beginning of the fall, due to the current rate at which they are selling their homes. Since January 1, 1992, nineteen more units have been sold and they are moving along quickly. Currently, the developer has approximately twenty homes completed, with an agreement of sale on nineteen additional homes.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to grant Mr. Harry Hassan a one year extension to complete improvements at the Deerfield Subdivision, until April 30, 1993.

3. Finkelstein (Diamond Street) Subdivision) - Planning Modules - Mr. Russek explained this plan had previously received approval from the Township. The reason this issue is before the Board again is because when the Planning Modules were sent to DER for approval, they requested a Resolution be passed for approval of the Planning Modules. DER will not process the Planning Modules until they receive such a Resolution.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to authorize a change in the Act 537 to allow public sewer to the Finkelstein Subdivision on Diamond Street, and to accept Resolution #92-23 for Planning Modules for the Finkelstein (Diamond Street) Subdivision.

4. Mr. Horrocks explained Mr. Joe DeCietto of BFI has made two waiver requests of the Township. The first waiver request is the requirement for a dumpster on site. Obviously, since BFI is in the trash business, they can throw their trash directly into the trucks. The second waiver request involves the fact that when the contractors were clearing the north to west corner of the parking area, they inadvertently overcleared, thereby reducing the need for a guiderail between the parking lot and what is now graded grass. Mr. Horrocks spoke to Mr. Wynn earlier today and he did not feel there would be a problem with a waiver on either of these items.

Supervisor Bennington stated this particular site of BFI's is a truck repair facility, and is not a trash facility. Therefore, the trucks entering the site should not be hauling trash, as they are there for repair only. Supervisor Bennington felt BFI would still need the dumpster for this site. Chairman Bennett agreed. Supervisor Fox commented BFI also intends to bring in empty trash dumpsters for repair. The Board was in agreement not to grant the first waiver concerning the trash dumpster.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to approve the second waiver request made by BFI not to require the guiderail, but to reject the first waiver request concerning the trash dumpster issue.

5. Solicitor Grabowski explained the engineering item he is presenting this evening concerns what might be the longest running land development plan in Hilltown Township, that being the Joseph Pileggi Land Development. This land development is located at the intersection of Rt. 113 and Rt. 313. On November 25, 1992, the Board of Supervisors gave final plan approval to a land development plan that was prepared for the site. There was one condition that was outstanding at that time. The condition related to the fact that the existing farmhouse upon the property was divided by Hilltown Township's zoning boundary. The boundary line between the PC II Zoning District and the Rural Residential Zoning District went right through the center of the building. At the time, there was a question as to whether there will be a multiple use of the building for zoning purposes. The Planning Commission and the Board of Supervisors required the developer to enter into an agreement with the Township that the building would be used only for those uses which are permitted within a Rural Residential Zoning District. That agreement has now been signed by Mr. Pileggi. Solicitor Grabowski recommended the Board accept the restrictive covenant that Mr. Pileggi has offered to the Township, and that it be recorded with the Bucks County Recorder of Deeds so that it is on record to indicate it's purpose.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to accept the restrictive covenant offered by Mr. Pileggi for the Joseph Pileggi Land Development and file it with Bucks County Recorder of Deeds.

L. LINENS FOR SIGNATURE:

- 1. Fretz Land Development
- 2. Finkelstein (Orchard Road) Subdivision
- 3. Vulcan Springs Manufacturing.

M. RESIDENT'S COMMENTS:

1. Mr. Jack Hetherington is present on behalf of Dan Steinhauer of Easy Living Pools, to discuss an additional extension regarding his land development plan. Mr. Hetherington was retained to represent Mr. Steinhauer late last week. Mr. Steinhauer is requesting a 90 day additional extension. Mr. Steinhauer had discussed the issue with his engineer and his advisors, and asked if he could do certain things regarding the buffer, the retention basin, and/or construction items, which are related to the Township's escrow requirements.

Mr. Steinhauer's engineer advised him that he could do those things, and theoretically, as an owner, he can. However the problem is that the escrow amounts were not being reduced. It was his intention was to get the escrow amount reduced to a level that he could live with, without seeking financing. Mr. Hetherington has read Mr. Wynn's latest letter to the applicant and has also spoken to him about the matter. Mr. Steinhauer is now actively seeking financing. Mr. Hetherington understands that the Township has not accepted a judgement note recordable as a lien against property because of the concern that it may be insufficient security regarding other mortgages, financing already affecting the property. Mr. Hetherington believes there is not a use problem, just the fact that Mr. Steinhauer has been unable, because of prior business problems such as the Chapter 11 proceeding, to attain financing. Mr. Hetherington explained that even if Mr. Steinhauer was able to get approval from one of the more commonly used banks, the paperwork would not be available within the time frame of the latest extension he was granted, which expired over the weekend. Mr. Hetherington noted this will be the only time he will come before the Board to seek an extension for Mr. Steinhauer.

Chairman Bennett commented that the last time Mr. Steinhauer was before the Board seeking an extension, it was granted with the understanding that it would be the very last extension that would be granted.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant Mr. Dan Steinhauer of Easy Living Pools a last and **final** 90 day extension for his land development plan.

2. Mr. Ron Theis stated at the last Board of Supervisor's meeting, it was noted that a firm was hired to appraise Township properties, but at the time, no figure had been arrived at. Mr. Theis asked if those appraisals are yet completed, and if they were, questioned the figures submitted. Mr. Horrocks replied there are two properties that have been appraised, though he has not yet received the appraisal figures. Mr. Theis asked when the appraisals can be expected and would the Township then put those two properties up for sale in an attempt to reduce debts. Mr. Horrocks felt the appraisals would be received by the Township within the next two weeks. In Chairman Bennett's opinion, those two properties could be put up for public auction to reduce Hilltown Township's debt.

In reading the minutes of the previous meeting, Mr. Theis was not sure of the outcome of the discussion concerning the Hazardous Waste Day being sponsored by the County. Chairman Bennett

explained the decision reached by the Board at that time was that Hilltown Township would not participate in the program.

Concerning the refinancing of Bond money, Mr. Theis understands that is still an outstanding issue, and asked if Hilltown Township has refinanced any Bond monies while the interest rates are good. Chairman Bennett commented refinancing took place two years ago. Mr. Theis is speaking of the question raised by Supervisor Fox at the last meeting. Mr. Horrocks stated refinancing the Bond is a very complex issue because it includes not only Hilltown Township, but also the Water and Sewer Authority. There is only a small portion of that which is refinancable because, in fact, the bond has been refinanced previously. When that happens, there are certain guarantees which must be entered into that refinancing cannot be done again. Mr. Horrocks will be presenting a proposal to the Board. The savings the Township will realize is miniscule, in Mr. Horrocks' opinion, in the approximate amount of \$20,000.00 over a twenty five year period. Supervisor Bennington asked if that was because of the conditions set forth in the original Bond refinancing with the Water and Sewer Authority. Solicitor Grabowski is not privy to what the financial experts have told Mr. Horrocks, however his own inclination is there were really three amounts of money financed in 1989. The Township portion was of an amount that had already been financed. The Internal Revenue Service only allows you to advance refund once. In 1989, the rates had gone from 11% or 11 1/2% down to the figures which they were financed in 1989. There is also a call provision on the note as well, which Solicitor Grabowski thinks a portion of the notes are callable in 1994. There is one other facet to this that Solicitor Grabowski has not even discussed with the Board or Mr. Horrocks, and that is the taxable rates themselves are also dropping dramatically. It may be an option for Hilltown to look at the possibility of getting taxable rates, if we cannot get tax exempt rates. Another problem is that the Debt Service, or the quarterly payments the Township is making, were staggered to the point of allowing the Township some "breathing room" the first two or three years.

Mr. Theis asked if Hilltown Township has a financial consultant to handle finances and to continuously look at options which are available to the Township. Chairman Bennett replied that Hilltown Township does not have a financial consultant, however Mr. Horrocks has been researching financial options for the Township. Mr. Theis asked if a financial consultant could be hired, to work on a percentage commission of what he can save the Township in a given year. Chairman Bennett replied even if Hilltown Township had a financial surplus at any given time, through the Second Class Township Code, we are not able to invest or purchase treasury securities, as that kind of flexibility does not exist. Mr. Theis recommended seeking a financial consultant for the Township, to work on a percentage basis.

Mr. Theis mentioned the \$100.00 donation given by the Board to the Pennridge Aquatic Club earlier in the evening, and understood there were no monies budgeted for that type of donation. Mr. Theis asked what budget line item does the Township propose to get that \$100.00 donation from. Chairman Bennett replied the Board has not yet discussed it, however he would think it would be under Park and Recreation General. Mr. Theis asked if there is a budget line for Park and Recreation General, and if so, were those monies all accounted for at the beginning of the year. Mr. Horrocks replied the budget line numbers are all zeros. Mr. Theis wondered where the \$100.00 donation will come from, even though he realizes it is a miniscule amount.

Mr. Theis commented to belong the Holiday House pool, each family must pay a fee. If the Aquatic Club is a special interest activity, and there are try-outs involved, Mr. Theis suggested letting the families who are interested in pursuing membership in the Aquatic Club, pay that fee. Mr. Theis did not feel the \$100.00 donation should be put upon the Township residents, especially after experiencing a tough budget process with tax millage increases. Mr. Theis asked the Board to consider rescinding the \$100.00 donation and to allow Hilltown Township residents to take advantage of what is really an extra cirricular activity by paying for it themselves. Mr. Theis does not feel the Township has the money to support "extra cirricular activities" or clubs at this time.

Supervisor Bennington commented it is his perogative, as a member of the Board of Supervisors, to vote to give donations to various clubs and organizations. There is no way of knowing how many or what types of organizations might ask for donations. It would be ideal to have monies budgeted for this very purpose. Mr. Theis stated the Township said no to this organization last year, and felt they should do the same this year, since there is no money budgeted for donations. The residents of this Township took a two mill increase this year, and yet the Board of Supervisors are voting to give \$100.00 donations to clubs and organizations. Supervisor Bennington agreed that next year there should be a line item for contributions.

Following further discussion, Chairman Bennett asked if any of the Supervisors wished to rescind their original motion to donate \$100.00 to the Pennridge Aquatic Club. Supervisor Bennington stated he understood and was sympathetic to Mr. Theis' reasoning, however he did not feel comfortable "having a gun placed to his head" concerning the donation issue. Mr. Theis explained the dollar figure is not so much the issue, as the principal of the thing.

3. Mr. Sam Fulginiti of 716 Fairhill Road was in attendance and explained he has lived at his property for forty years. In the past, Mr. Fulginiti had a patio constructed with cinder blocks. Recently the cinder blocks have begun to crumble and he wishes to rebuild his patio. Mr. Fulginiti applied for a building permit to construct a new patio, and the permit has been rejected. Mr. Fulginiti wishes to know why the permit was rejected.

Chairman Bennett, at Mr. Fulginiti's request, had visited the property. Chairman Bennett had no objections to Mr. Fulginiti's proposal, however he discovered today that the Code Enforcement Officer had directed Mr. Fulginiti to appear before the Zoning Hearing Board. Chairman Bennett personally does not agree with that. Chairman Bennett explained Mr. Fulginiti is proposing to take an open patio area, roughly 10 ft. by 20 ft., extend it two feet, and enclose the envelope of the building. The Code Enforcement Officer claimed it could not be done with his approval unless the applicant appears before the Zoning Hearing Board.

Mrs. Betty Kelly, former Township Supervisor, has spoken with Mr. Applegate, Code Enforcement Officer, who stated the applicant's house had been there for many, many years. The State, at one time, came through and claimed part of Mr. Fulginiti's lawn. The applicant's patio is located on the side of the house. Mr. Applegate informed Mrs. Kelly that he does not have the authority to permit the applicant's proposal, since it is a non-conformity. Mr. Applegate instructed Mr. Fulginiti to appear before the Board of Supervisors or to ask Mr. Horrocks for his approval.

Chairman Bennett advised the Board of Supervisors cannot overrule our own Zoning Officer. If someone wishes to appeal the Zoning Officer's decision, they must appear before the Zoning Hearing Board, which is why that Board was established. Solicitor Grabowski explained once the Zoning Officer makes a decision, he can rescind that decision, or the Zoning Hearing Board can overrule his decision. From what Mrs. Kelly stated earlier, Solicitor Grabowski understands there is a written decision concerning this matter. At this point, it would be up to the Code Enforcement Officer to reconsider. Supervisor Fox commented the Board of Supervisors has no say in zoning matters, and they cannot rule on zoning matters. Solicitor Grabowski explained the issue has come up before as to whether or not the Supervisors have the right to rule on zoning matters, and they do not.

Mr. Horrocks mentioned Mr. Applegate's letter of April 7, 1992 regarding this issue was in response to a zoning permit application submitted by Mr. Fulginiti. Mr. Applegate, as the Zoning Officer, rejected the zoning permit, citing Section 603A for non-conforming structures. Mrs. Kelly advised Mr. Applegate had not yet gone to inspect the property when that letter was sent. Mrs. Kelly felt Mr. Fulginiti should be allowed to reconstruct his side porch. Mr. Fulginiti has been a resident of Hilltown Township for over 40 years, and has paid taxes in this community all that time.

Chairman Bennett noted one item that was incorrect with the drawing submitted with the building permit was that the roadways were reversed - Keystone Drive was shown where Fairhill should have been and vice-versa. Chairman Bennett wondered if that had any influence on Mr. Applegate's decision. Supervisor Fox commented Mr. Applegate was ruling on increasing non-conformities, which is cited in the Zoning Ordinance. Supervisor Bennington asked if Mr. Applegate's ruling was based on the drawing or if he was ruling based upon the fact that he made an inspection of the site. Chairman Bennett does not understand why it is a non-conformity. Supervisor Fox replied it is because you are increasing the non-conformity. A non-conformity is allowed if it existed before zoning, but to increase a non-conformity, an applicant must go to the Zoning Hearing Board. This particular issue does not fit the setback requirements in the law.

Mr. Horrocks suggested that he and Mr. Applegate visit Mr. Fulginiti's site as soon as possible, and allow Mr. Applegate, as the Zoning Officer, to reconsider all aspects. The Board was in agreement with Mr. Horrocks' suggestion.

4. Mr. Tom Slotter asked if taxes are collected for home occupations. Solicitor Grabowski suggested that question be directed to the Township Manager, since he is involved with the finances of the Township. Mr. Horrocks stated Hilltown Township does not levy a merchantile or business tax. As far as comparing a home occupation to another business, such as a garage business, etc., Mr. Slotter asked what types of revenues are collected from a home occupation. Chief Egly stated the Board of Assessments in the Bucks County Courthouse would handle that. Mr. Horrocks noted the millage would remain the same as the owner of the property. Solicitor Grabowski explained there is a real estate tax assessed upon the value of the real property itself. Mr. Slotter noted residents who operate home occupations are only paying their normal real estate taxes on a private home, not as a business. Mr. Slotter felt the Township should collect some sort of tax for a home occupation because they are bringing in excess traffic and making use of Township roads, and feels Hilltown should get something back from them.

Supervisor Fox advised under the Code, the Township cannot assess more tax than we are allowed. The Township is only allowed a portion of the taxes that are available such as transfer tax, wage tax, etc. As a Second Class Township, Hilltown Township cannot levy a merchantile tax. Chairman Bennett noted a merchantile tax has not been permitted for at least three years, since it was abolished by the State Legislature.

To: The Hilltown Township Supervisors

From: The Hilltown Township Park & Recreation Board

Re: Recommendations 92-5 and 92-6.

At it's regularly scheduled meeting on May 19, 1992 the Park and Recreation Board voted unanimously to make the following recommendations:

Recommendation 92-5 The Park & Recreation Board recommends that The Proposed Construction Sequence provided by C. Robert Wyn 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 & Recreation Board recommends that the Supervisors delay any action regarding the sale of parcels of land the Township owns so that the Park & Recreation Board can consider the matter further consideration.

MAY 22 1992

1225A

C. ROBERT WYNN ASSOCIATES, INC.

Consulting Engineering
211 West Broad Street
Lakertown, PA 18951

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

Memo To: Hilltown Township
From: C. Robert Wynn
Subject: Escrow Release Summary
Date: May 19, 1992

1. Browning-Ferris Industries - Authorization Voucher No. 9 dated May 18, 1992, in the amount of \$243,698.09 for completion of miscellaneous site work.
2. Carney Land Development - Authorization Voucher No. 7 dated May 18, 1992, in the amount of \$7,695.00 for topsoil, temporary seeding, traffic protection, and landscaping.
3. Carney Land Development - Authorization Voucher No. 8 dated May 18, 1992, in the amount of \$551.40 for const. obs./esc. admin. for period from 4/1/92 thru 4/30/92.
4. Deerfield - Authorization Voucher No. 28 dated May 15, 1992, in the amount of \$205.25 for const. obs./esc. admin. for period from 4/1/92 thru 4/30/92.
5. H & L Development - Authorization Voucher No. 11 dated May 18, 1992, in the amount of \$288.03 for const. obs./esc. admin. for period from 2/1/92 thru 5/18/92.
6. H & L Development - Authorization Voucher No. 12 dated May 18, 1992, in the amount of \$7,126.77 releasing the balance of escrow funds.
7. Sterling Knoll Phase II - Authorization Voucher No. 46 dated May 15, 1992, in the amount of \$165.55 for const. obs./esc. admin. for period from 4/1/92 thru 4/30/92.

Note: All releases are from bank held accounts.

5. Mrs. Jean Bolger reiterated what Mr. Theis said earlier about the \$100.00 donation to the Pennridge Aquatic Club. At home, Mrs. Bolger stated, when she gets the paycheck, after all bills are deducted, and the final tally comes to zero, she must accept that. Mrs. Bolger wishes the Board of Supervisors would do the same thing. Mrs. Bolger felt we are experiencing a depression, not a recession, and it is a very difficult time, economically, for many people. Mrs. Bolger's final comment was "If it ain't there, don't give it away, please."

Chairman Bennett commented there are other areas that the Board of Supervisors are very frugal about. For example, there was an item in the budget in the amount of \$2,500.00 for a traffic light on County Line Road that Franconia Township requested our participation in, however Hilltown Township just could not afford it. As a whole, Chairman Bennett feels that the Township Manager, the Chief of Police, the Director of Public Works, and the Board of Supervisors, are all very frugal. Mrs. Bolger agreed and stated she is not criticizing anyone, but she felt if the money is not available in the budget, than it should not be given away.

N. SUPERVISOR'S COMMENTS:

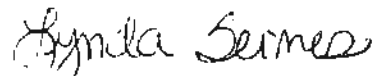
1. Supervisor Bennington has thought about what Mr. Theis and Mrs. Bolger have said, and he agreed that it was a policy decision to donate money to various organizations. Even though the \$100.00 is a miniscule amount, it still was not in the budget for this year.

Supervisor Bennington made a motion to rescind the \$100.00 contribution to the Pennridge Aquatic Club, however he made it clear that he will ensure there is a line item in the budget next year for contributions. Motion was seconded by Supervisor Fox, who commented he is in agreement with what Mr. Theis had previously stated and has been for many years. Motion passed unanimously.

O. PRESS CONFERENCE: A press conference was held to answer questions of those reporters present.

P. ADJOURNMENT: Upon motion by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously, the Hilltown Township Board of Supervisor's meeting of April 27, 1992, was adjourned at 10:40PM.

Respectfully submitted,



Lynda Seimes
Township Secretary