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**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED PUBLIC MEETING
Monday, August 26, 1991
7:30PM**

The meeting of the Hilltown Township Board of Supervisors was called to order by Supervisor Kenneth B. Bennington at 7:35PM and opened with the Pledge of Allegiance.

Also present were: Betty J. Kelly, Vice-Chairperson
Bruce Horrocks, Township Manager
Francis X. Grabowski, Township Solicitor
C. Robert Wynn, Township Engineer
Maria Gerhart, Recording Secretary

Supervisor Bennington announced that due to the absence of Chairman Bennett, who had experienced car trouble while returning from his vacation, and due to Supervisor Kelly's throat problem, he would be conducting the meeting this evening.

A. APPROVAL OF MINUTES:

Action on Minutes of July 22, 1991 Board of Supervisors meeting:

Supervisor Bennington commented Page 2 of the July 22, 1991 minutes regarding the vote to appoint Mr. Bruce Horrocks as Township Manager, should read "Motion was made by Supervisor Bennington, and seconded by Supervisor Kelly to appoint Mr. Bruce Horrocks, a longtime resident of Hilltown, to the position of Township Manager. Chairman Bennett abstained from the vote. Motion passed: 2:0:1."

Supervisor Bennington questioned the raise of millage from 5 to 15 mills in Ms. Ferry's Audit Report, which is located on page 8 of the July 22, 1991 Board of Supervisors meeting minutes. Supervisor Bennington took exception to this section of the Audit Report. In 1991, the Supervisors had only raised the millage four mills. Supervisor Bennington commented the Auditor's statement that millage was raised from five to fifteen mills is an erroneous figure for that year.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to accept the minutes of the July 22, 1991 Board of Supervisors meeting as corrected.

Action on the minutes of the August 12, 1991 Work Session:

Supervisor Bennington advised no action will be taken on the minutes of the August 12, 1991 Work Session at this time. Those minutes are available for the public's review.

B. APPROVAL OF CURRENT BILLING:

Supervisor Kelly felt the payments for the Township Auditors should be held for further discussion. Supervisor Bennington explained in the Second Class Township Code, the Township Auditors are to receive a maximum of \$600.00 per year for auditing services. However, that Auditor payment was recently changed to a maximum of \$1200.00 per year for Townships with more than 10,000 residents. The Hilltown Township Board of Supervisors have never passed that motion, and therefore, the Board would like to hold the Auditor payment checks for further discussion.

Motion was made by Supervisor Kelly, seconded by Supervisor Bennington, and carried unanimously to pay all bills when due, except for the Auditors payments discussed above.

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

D. CONFIRMED APPOINTMENTS:

1. Mr. Bob Wendig - Park and Recreation Board - Mr. Wendig introduced Mr. Nick Lupinacci and Mr. Ron Allen, fellow members of the Hilltown Township Park and Recreation Board, and Mr. John Thomas of Carter Van Dyke Associates. Mr. Wendig was happy to present the initial plan for the former Civic Association Field, which the Park and Recreation Board has worked on in conjunction with Carter Van Dyke Associates. The Park and Recreation Board has unanimously recommended approval of Recommendation #91-3, which is the Master Plan for improvement of the former Hilltown Civic Association field, by Carter Van Dyke Associates, Plan Alternative #1, dated August 14, 1991. The Park and Recreation Board recommend the plan be accepted and that Phase I be implemented as presented in the plan.

Mr. Thomas stated two work sessions were held between Carter Van Dyke Associates and the Park and Recreation Board to arrive at the proposed configuration. The final proposal includes a full size baseball field, a smaller softball field, a soccer field, an area for basketball courts, volleyball courts with a soft surface, an area for tot lots, four tennis courts, and a jogging trail which loops around the perimeter of the site. A parking area for the main part of the site has been provided for 95 vehicles, and a smaller reserved parking area for 28 vehicles, as well. The plan before the Board this evening is the final schematic plan which was reviewed with the Park and Recreation Board. Mr. Thomas advised upon approval, Carter Van Dyke Associates will proceed with the construction of documents for Phase I. Phase I consists of the baseball field, the main parking area to be constructed with a tar and chip surface, the basketball court areas, grading of the baseball field, and rough grading associated with the softball field, the perimeter bike path, as well as any drainage improvements that are required.

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Supervisor Bennington commented he had been present at a meeting with Carter Van Dyke Associates and the Park and Recreation Board, and it had originally been proposed that the second baseball field was further down on the site so that the outfield went into the soccer field. Supervisor Bennington asked if the original configuration had been changed. Mr. Wendig replied the baseball field had been reduced a bit, from a full sized

ball field to a down sized ball field. Mr. Thomas explained the main change was originally the plan had shown two full sized ball fields, and the one field has now been reduced to a 200 ft. field, which is suitable for softball. Some items were shifted so that no overlapping of the soccer field will take place. Mr. Wendig stated on the soccer field, during the off season, portable back stops could be placed to utilize the field as practice fields.

Supervisor Bennington asked if the first phase will begin with the complete regrading of the field. Discussion regarding the cost of the regrading has taken place with Mr. Buzby, Director of Public Works, who advised with the loan of the proper equipment, the Public Works Department could conduct the regrading work. Carter Van Dyke has established estimated cost figures for this purpose by breaking down the work into Phase I, Phase II, and Phase III. In each of those phases, certain items could be eliminated or shifted to another phase, depending on the finances available and the monies budgeted for this project. Mr. Thomas stated in the Phase I cost analysis, the major grading and regrading has been addressed.

What the Park and Recreation Board is seeking this evening, is approval of the plan itself so that Carter Van Dyke Associates may proceed. Supervisor Bennington asked if plan approval is received this evening, could regrading or construction on the field begin before winter of this year. Mr. Wendig felt this would be possible. Carter Van Dyke Associates has estimated the baseball field could be utilized in spring of 1993, and possibly the soccer field would be in use by the fall of 1993. Before construction documents are let out, Mr. Wendig stated the Park and Recreation Board plans on meeting with Mr. Buzby to discuss what work could be completed by the Public Works Department themselves, and what monies could be saved by such a proposal.

Supervisor Bennington commented he likes the concept of the plan, and has always supported the idea of recreational areas for the Township. He feels this will be a cornerstone for Hilltown Township by becoming the first "real park". Supervisor Kelly agreed with Supervisor Bennington and felt the park was a very good idea. Mr. Wendig stated the Park and Recreation Board is very excited about this project and feels the park will be a real asset to the community. Supervisor Bennington thanked the Park and Recreation Board for their efforts in preparing this plan for presentation.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to recommend approval of Recommendation #91-3 of the Park and Recreation Board for the Master Plan for improvement of the former Hilltown Civic Association Field and approval of Phase I of this plan.

2. Mr. Eric Tobin - Quiet Acres - Mr. Tobin stated at it's July meeting, the Planning Commission recommended preliminary approval of the Quiet Acres plan conditioned upon the engineer's review letter. There are a few items on the plan before the Board this evening, which are not on the preliminary plan, but are proposed to be incorporated into the final plans.

In the open area where the community center building is shown on the plan, Mr. Tobin explained originally there were not driveways or parking areas shown. The applicant has added a driveway and parking area to the plan in front of the community facility, and has added sidewalk for better access for the residents, as well. Supervisor Bennington asked how many additional mobile homes are being proposed. Mr. Tobin replied 55 lots are proposed on the plan. Mr. Tobin pointed out that everything shown in green on the plan before the Board is open space. The Planning Commission had also discussed the buffer area. The plan presently meets all landscaping requirements for trees and shrubs along the perimeter, however there are several existing heavily wooded areas where trees could be taken and transplanted for additional screening along Pheasant Hill Road.

Mr. Tobin advised the applicant had attended the last Hilltown Township Water and Sewer Authority meeting to discuss the water system. It is Mr. Tobin's understanding that the Authority does have interest in servicing the proposed addition with public water, but has also requested a reaction from the Township on this issue. If that were done, the water system would serve not only the proposed addition, but would allow the public water system to service the existing park as well. It is the applicant's feeling that public water is by far a benefit for everyone involved. It would ease the ability to install a fire protection system and is a better means of servicing all the residents.

Supervisor Bennington asked Mr. Wynn if there are any other conditions attached to the preliminary plan approval recommended by the Planning Commission. Mr. Wynn replied the conditional preliminary plan approval recommendation consisted of all the outstanding engineering items, and outside approvals of the June 28, 1991 engineering review. As Mr. Tobin stated, there were two items to be resolved during the final plan stage, which included increasing the number of parking spaces at the community facility and the resolution of lighting for the parking spaces, as well as finalizing the buffer plantings and locations of those plantings. Mr. Wynn advised the proposal

includes improvements to two existing culverts, one located at the intersection of Orchard Road and Pheasant Hill Road, and the other which exists on Pheasant Hill Road. There is existing metal corrugated metal pipe which is to be replaced with reinforced concrete, and additionally, on the opposite side from the mobile home park, there is to be a curb radius installed and widening of the intersection. Both require easements from those property owners. Mr. Wynn has met with the property owners and has advised them of the easement and what type of construction will take place. At this point, Mr. Wynn has not received any committment from the property owners as to whether they will be agreeable to the easement. In either case, Mr. Wynn advised these are improvements that are being requested by the Township and the easements are not necessary for the improvements on the mobile home park site.

Supervisor Bennington asked Solicitor Grabowski to address the water issue Mr. Tobin spoke of earlier. Solicitor Grabowski explained the Authority did discuss the status of sanitary sewer for the expansion of the park at their last meeting, and he also asked the Authority's input with regards to public water. Hilltown Township Water and Sewer Authority is interested in providing domestic water service to the entire mobile home park, which would allow for fire hydrants and fire protection. The Authority stated before they would make a definite committment, they would like to have a reaction from the Township, as this is not an area of jurisdiction of the Water and Sewer Authority at this point. For the existing park, Telford Borough Authority relinquished their right to serve, and this issue would now need to be addressed by the Board of Supervisors as to whether the Board would have any objections to the Hilltown Township Water and Sewer Authority serving the mobile home park. Supervisor Bennington and Supervisor Kelly both felt it would be a good idea.

Mr. Wynn stated there are still some outstanding outside approvals which are required, such as Planning Modules and the approval of the Bucks County Conservation District and some plan items, however for the most part, the majority of the items have been resolved.

A neighboring resident of Quiet Acres commented a natural hedgerow exists along the property line, and his understanding of the plan is that most of the natural vegetation will be removed. Mr. Wynn advised there is a 25 ft. wide buffer area which protects the natural hedgerow. Mr. Tobin stated it is the applicant's intent to leave as much natural vegetation around the perimeter of the site as possible. Discussion took place regarding the area where the sewer enters the mobile home park.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to grant preliminary plan approval for Quiet Acres Mobile Home Park with the conditions as stipulated by the Planning Commission.

Mr. Wynn asked Solicitor Grabowski if the Hilltown Township Authority required more than just an approval from the Board of Supervisors regarding the connection. Solicitor Grabowski replied the Authority is looking for direction from the Supervisors on whether they should approach Telford Borough Authority to request they relinquish whatever rights they might have, so that the Hilltown Authority might serve the project with water.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to recommend Hilltown Township Water and Sewer Authority approach Telford Borough Authority to relinquish jurisdiction and to allow the Hilltown Authority to extend water lines into the Quiet Acres expansion and also to discuss the sewer line relinquishment from Telford Borough Authority.

8:00PM - FUEL BID OPENINGS:

At this time, Supervisor Bennington recessed the regular Board of Supervisors meeting for August 26, 1991, to go into fuel bid openings which was done at the last meeting, and which the Board of Supervisors did not approve because clarification was needed.

Mr. Bruce Horrocks, Township Manager, advised two revised bids have been received on Diesel Fuel and Heating Oil. The reason this was re-bid was because when submitted, one bid was fixed, and one bid was escalating. The Board of Supervisors wished to compare the exact bids.

Bid #91-7(B) - Gasoline

Diesel Fuel:

Farm and Home Oil - 72.7¢/gallon - Firm, plus 2¢/gallon for a 70/30 winter blend.

H.L. Garges - 71.9¢/gallon - Firm

Super Unleaded and Regular Unleaded Fuel:

Farm and Home Oil 82.9¢/gallon for Super Unleaded and 73.9¢/gallon for Regular Unleaded Fuel

Bid #91-8(B) - Heating Oil

Farm and Home Oil - 72.7¢/gallon - Firm

H.L. Garges - 71.9¢/gallon - Firm

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to award Bid #91-7(B) - Gasoline - Super Unleaded Fuel at 82.9¢/gallon and Regular Unleaded Fuel at 73.9¢/gallon - to Farm and Home Oil Company.

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Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to award Bid #91-7(B) - Gasoline - Diesel Fuel at 71.9¢/gallon to H.L. Garges, and to award Bid #91-8(B) - Heating Oil at 71.9¢/gallon to H.L. Garges.

The regular meeting of the Board of Supervisors reconvened at 8:10PM.

3. Mr. Bill Cooper - Application of Robert Roth/Cheap Skates - Mr. Cooper was not available this evening, however Mr. Emory Buck, his associate, was in attendance with Mr. Robert Roth, the owner and proprietor of Cheap Skates to request a waiver from the Board of Supervisors. Mr. Applegate, Hilltown Township Building Inspector/Zoning Officer, has attached a condition for building permit approval which he has issued to Cheap Skates for a small internal expansion to his existing facility. Cheap Skates is an indoor skateboard rink which has been in operation for three years utilizing 6,000 square feet of space. The building permit, which has recently been issued, authorizes the expansion of another 3,600 square feet. The only structural change is the relocation of one wall and the installation of some new exit doors.

Mr. Buck explained in Mr. Applegate's interpretation of the building code has determined as condition number six, that this alteration requires the applicant complies and installs facilities for the handicapped and aged. It is Mr. Buck's understanding that the local Ordinance, and the BOCA Code itself authorizes a waiver of any provisions which do not apply to the use at hand. The skateboard facility is a facility for the young, the agile and the athletic. Never in the three years of Cheap Skates operation, have they had anyone handicapped or aged attempt to use the facilities, therefore Mr. Bucks does not believe that providing the handicapped facilities should be required for Cheap Skates.

Supervisor Bennington asked what would happen if a handicapped person were to visit Cheap Skates with someone and needed to use the restroom facilities. Mr. Buck replied that scenario has never happened before, but if it did, the handicapped person would have to be assisted into the restroom facilities, leaving his wheelchair outside, or go elsewhere. This was one of Mr. Applegate's concerns, however there is also a change in use because Cheap Skates has current occupancy for a retail store, however the site is being utilized for an E9 Entertainment use, as well. When the expansion was permitted for the rear section of the building, part of that agreement was that the entire site would have to be brought into compliance with the BOCA Code.

Solicitor Grabowski would like to speak with Mr. Applegate following this meeting regarding Cheap Skates and would like to review the plans and the sections of the Code that pertain to this issue. Mr. Buck appreciated Solicitor Grabowski's position on this, however there is some urgency in a decision

regarding Mr. Roth's waiver since his option to lease expires at the end of this month. Mr. Applegate is not only the Building Inspector, but also the Zoning Officer as well, and since he is of the opinion that there is a change of use from a zoning standpoint, Solicitor Grabowski stated the Board would be hard pressed to make a decision before more in depth review takes place.

4. Mr. Earl Smith - Junkyard Violation - Keystone Drive
- Mr. Smith advised Bernie Enterprises is located on Keystone Drive across the street from his home, and has been in operation since 1988. Mr. Smith presented the Board with a packet of information regarding the site, including Board of Supervisors minutes and a 1971 Zoning Hearing Board decision. Mr. Smith feels Bernie Enterprises operates an irresponsible, reckless operation within the neighborhood and within the Township. In April of 1991, there were six junk cars placed in the parking lot, in full view of the roadway. Mr. Smith submitted photographs of the site as it exists today. Supervisor Bennington asked if this was the former Rio Brothers site. Mr. Smith replied that it was.

The Board of Supervisors, at the August 8, 1988 meeting, approved Keystone Auto Parts for continuance of a non-conforming use, as they had exceeded the 50% expansion allowed in Section 605. The Zoning Hearing Board decision of 1971 states Keystone Auto Parts was never to expand. At the time, the Supervisors did not have access to all the information pertaining to this issue, and Mr. Smith feels that if the Township Supervisors in 1988 knew of the Zoning Hearing Board decision, the continuance of a non-conforming use decision might never have been made.

When the decision was made in 1988, a letter was requested from Mr. Donald Metzger, who is the owner of Bernie Enterprises. Mr. Metzger submitted that letter on August 13, 1988 which states "As per your instructions at the August, 1988 meeting, this letter confirms that I, Donald Metzger, or any of my companies, will not exceed the existing use of the property at 609 Keystone Drive". The May, 1989 Board of Supervisors minutes state "Donald Metzger Building Permit - Mr. Singley reported that last August, the Supervisors granted approval of a 4,000 square foot addition to Mr. Metzger". Mr. Smith has been unable to find record at the municipal office for an approval of that addition. Therefore, less than a year after stating he would not exceed any of the existing property, Mr. Metzger applied for a 5,200 square ft. building.

Mr. Smith also supplied newspaper articles pertaining to this issue because the Supervisors would not have had this information available to them. In the May 17, 1971 edition of the News Herald, it states "It was explained that the owner was entitled to expand an additional 1 1/2 acres, and he was not given a variance or any change of zoning." "He has gone as far as he can go", Edward Minninger, Zoning Officer said."

Also, in the March 6, 1974 issue of the News Herald it states "A group of citizens protesting conditions at another firm located on Keystone Drive, near old Rt. 309 - Residents charge the Keystone Drive location has expanded considerably beyond the limits permitted in a zoning exemption four years ago." Mr. Smith explained the junkyard had expanded against the wishes and the ruling of the Zoning Hearing Board at that point .

Mr. Smith presented current photographs showing the type of equipment which is entering and leaving the junkyard after normal business hours. Mr. Smith recorded times and dates of what he feels are inconsistant operations. Mr. Smith is requesting the Board of Supervisors take action on this issue and would like to see the return of the original zoning and intended use on the land in question.

Mr. Smith recapped that this property had originally been owned by William Mohr, then by Carl and Joseph Rio in the 70's, and the property was then sold to Mr. Metzger, who currently owns Bernie Enterprises. The Zoning Hearing Board made a decision which allowed that whomever owned the facility could not expand it further at that time. Yet the Board of Supervisors overruled the Zoning Hearing Board decision and allowed the expansion of the junkyard. Supervisor Bennington felt it is very clear that the Board of Supervisors were not permitted to override a decision made by the Zoning Hearing Board, as the Zoning Hearing Board can only be appealed to the courts. Mr. Wynn commented a file once existed which contained the information Mr. Smith has brought to light this evening. There was some action in the mid 70's with violations that were occurring at that time.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to revert back to the Zoning Hearing Board's original decision regarding the current Bernie Enterprise property, retract the decision made by the Board of Supervisors in 1988, allow no further expansion of the site, and retract any expansion that has already taken place.

Mr. Bill Reckner commented burning at the Bernie Enterprises site occurs very frequently and large clouds of black smoke were seen at approximately 4:00PM this very afternoon. Mr. Wynn advised this violates DER regulations. Supervisor Bennington stated when Mr. Applegate makes his inspection of the site, this issue will also be looked into. Chief of Police, George Egly, recommended that anytime the neighboring property owners see something burning at the site, they call the fire department, and this may prompt DER to investigate. Supervisor Bennington asked the residents to contact the Township office the next time burning takes place.

Mrs. Mildred Clayton wondered if the Board of Health could be contacted to inspect the site for rats and snakes. Many times, gun shots are heard coming from this area and Mrs. Clayton feels the owners may be shooting the rats and snakes.

Mr. Bauers has been aware of this site for many years. In the 1970's, a fence was required to be erected, however the fence has not yet been installed. Supervisor Bennington stated the zoning official previously employed by Hilltown Township kept very poor records, however Mr. Applegate will continue to research the information and will make every effort to have the fence installed and to bring the site into compliance. A neighboring property owner commented the site is covered with motor oil and other trash, and the residents fear well contamination now or in the future.

Mr. Jack Fox stated this has happened in the past, where the Zoning Officer or the Board of Supervisors or the Zoning Hearing Board has ruled against expansions, and yet they continue. Bernie Enterprises received a citation more than 30 days ago and nothing has been done to move the cars, clean up the site or erect a fence, as required by Ordinance. Mr. Fox felt a penalty should be charged to Bernie Enterprises, per day, until the site comes into compliance. Supervisor Bennington explained Mr. Applegate will visit the site tomorrow morning to note all violations.

Supervisor Bennington amended his original recommendation to have Mr. Wynn accompany Mr. Applegate to the site inspection of Bernie Enterprises on Tuesday, August 27, 1991, to find any other violations besides zoning and to proceed as mentioned in the previous recommendation. Supervisor Kelly seconded and the motion carried unanimously. Chief Egly will also accompany Mr. Wynn and Mr. Applegate.

5. Mr. and Mrs. Richard Johnson - Erosion Concern - BFI - Attorney Greg Emmons, representing Mr. and Mrs. Johnson, presented a tax map showing where the Johnson's live on Reliance Road in relation to the BFI site. The concern expressed by Mr. and Mrs. Johnson is regarding erosion that has taken place on an unnamed tributary which connects with Mill Creek. Mr. Wynn pointed out the Johnson property on the proposed BFI linen and advised the erosion which has taken place is on the west side of the stream.

As a result of the BFI Land Development, an easement was requested to be obtained on Mr. and Mrs. Johnson's property. This proposed easement was presented to the Johnson's, and was very upsetting to them. A successful meeting has taken place with the Johnsons, Mr. Wynn, Mr. Tobin (attorney for BFI) and an engineer from BFI. At that meeting, the bed of the Johnson property was discussed. The bed has significantly eroded, not because of what BFI has done to date, but in the Johnson's opinion, primarily due to the Township's relocation of a bridge over Reliance Road.

It is Attorney Emmons' understanding that the bridge was located contrary to the plan, which diverts the water flow directly towards the Johnson property. The bridge was constructed

in approximately 1978. Mr. and Mrs. Johnson had appeared before the Board of Supervisors several times after the construction of the bridge, as they observed their property being gradually eroded. The greater concern now with the proposed BFI easement, is the additional discharge of a significant flow of water into the stream and the manner in which that flow was to be discharged. As a result of the meeting, BFI agreed to realign the discharge, so that the water channel is flowing more downstream rather than across stream, towards the Johnson property.

Attorney Emmons presented before and after photos of the stream and a series of photos of significant water flow through the stream, as a result of the stormwater now being discharged from old Rt. 309. Supervisor Bennington asked if the photos were taken after a major storm, or on a normal day. Attorney Emmons replied the photos were taken following a storm, however the frequency of storms of that nature, even if they occur once every other year, causes the constant erosion. Since the bridge was constructed in 1978, there has been significant growth and development in the area, and therefore, additional storm discharge. The erosion has also increased significantly, not just because of the increase in discharge, but because of the realignment of the bridge.

Mr. Wynn had visited the site in May of this year, and advised there is continued erosion along the west side of the bank of the stream, however Mr. Wynn is not sure of the cause of that erosion. Attorney Emmons was advised by counsel for BFI that they would consider installing some rip-rap on the west bank of the stream, to satisfy Mr. and Mrs. Johnson's concerns about any additional discharge from the BFI easement, and to help protect against further erosion. That is also Mr. and Mrs. Johnson's concern, to protect against further erosion, since up to 4 ft. of their property has been lost already. Mr. and Mrs. Johnson requested the Township investigate and review with the Township Engineer, what has happened since the bridge has been constructed, and reply to them with an evaluation of what would be required to restore the property, and have the rip-rap installed at that time.

Mrs. Johnson stated she had appeared before the Board of Supervisors three times after the bridge was constructed in 1978. Supervisor Bennington asked Mrs. Johnson when the erosion first became noticeable. Mrs. Johnson replied approximately 7 or 8 years ago. Mr. Wynn would like to review an original set of design plans for the bridge, which should include a DER permit and information as to the stream location back in 1978. The actual center line of the stream in 1977 may have moved five or six feet as the Johnsons' have indicated, and this should be confirmed from the original design plan.

Supervisor Bennington suggested Mr. Wynn research and review the information and at that point in time, the Board would direct Mr. Buzby, Director of Public Works, and Mr. Wynn to view the erosion as it exists today. Attorney Emmon commented

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he completed a title search to determine whether or not the Township acquired an easement, and there is no easement of record which would enter upon the Johnson's property, from the original bridge construction plan. Also, Attorney Emmon has been advised by Attorney Tobin, that his client's engineer will cooperate with the Township's engineer to determine what can be done by BFI to assist the Township.

6. Father Black - St. Philip's Church - Mr. Barry Stavrou, Building Committee Chairman for St. Philip's Church was in attendance to request the Board's concurrence of a preliminary plan approval they have received from the Planning Commission with respect to certain recommendations which were made in regards to Mr. Wynn's letter of August 9, 1991. Specifically, Mr. Stavrou would like to discuss applications for waivers of sidewalks, lot-to-depth ratio, and the subsequent agreement on the erosion control of Mr. Wynn's letter of August 9, 1991.

Mr. Wynn explained what is being proposed is a three lot subdivision which includes two new building lots, located on Clearview Road. The alternate depth-to-width ratio problem for Lot #1 and Lot #2 is due to the impervious surface ratio requirements for a proposed church on Lot #1 and as well as the frontage requirements for the zoning district. As indicated, the Township Planning Commission unanimously recommended a waiver of sidewalks, the lot depth-to-width ratio, and additional stormwater management, due to the fact that the increase in runoff, based on 100 year storm event, was calculated to be .7 CFS by an additional two houses. The church proposed on Lot #1 does have a retention basin. The Planning Commission also recommended a preliminary plan approval with the outstanding items, besides some drafting items, to include Erosion and Sedimentation Control plan approval, Planning Module approval or a waiver from DER, installation of pins and monuments, and an escrow agreement for the public improvements. The public improvements include street trees, and widening and curbing along Clearview Road, as well as stormsewer extension along Clearview Road.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to approve the preliminary plan for St. Philip's Church Subdivision, based upon the Planning Commission's recommendations and Mr. Wynn's letter of August 9, 1991.

7. Mr. Alex Rankin - 1991 Sign Renewal Fee - Mr. Al Wurz, Mr. Rankin's neighbor, on School House Road, was in attendance in place of Mr. Rankin. Mr. Wurz advised he and Mr. Rankin are concerned about the Sign Renewal Fee which has been imposed upon Hilltown Township residents. Mr. Wurz was wondering why this sign renewal fee has been established after the sign had been previously implemented for the past 15 years. Supervisor Bennington explained at the beginning of the year, when fees and permitting requirements are reviewed, the majority of the Board of Supervisors decided to institute a Sign Renewal fee to bring in additional revenues. This decision was made by a majority of the Board, not all three

members, some dissention existed regarding this issue. Prior to 1992, Supervisor Bennington plans on recommending to the other members of the Board of Supervisors to either drop the Sign Renewal fee for 1992, or make it a mandatory \$1.00 Sign Renewal fee which would insure the Township is aware of all the signage within the Township. Supervisor Bennington believes the Board was concerned about receiving the fee for an initial sign, since many signs are erected in the Township without sign permit fees being paid. When the 1992 budget and permitting fees are approved, this Sign Renewal fee will again be discussed.

Mr. Wurz asked if Mr. Rankin were to remove the sign in question and replace it with a street address sign, would he then be exempt from paying the 1991 Sign Renewal fee. Supervisor Bennington replied a posted house number does not constitute a "sign" and therefore, would not require a Sign Renewal fee.

E. MANAGER'S REPORT -

1. Mr. Horrocks mentioned a request by the Hilltown Township Volunteer Fire Department to remove some trees, which had originally been discussed at the August 12, 1991 Board of Supervisors Work Session. Mr. John Snyder, member of the Hilltown Township Volunteer Fire Department, has contacted the neighbors on either side of the fire station and across the street, and they do not seem to have any objections to the fire company removing the trees.

Hilltown Township Fire Department is proposing to remove at least five trees from the driveway north on Rt. 152, which would consist of three white birch trees and two small short needle pine trees. Mr. Snyder has not proposed this suggestion to the entire membership, however if the trees could be used at the former Civic Association Field, they could be removed and donated to the Township. On the south side of the driveway (or the eastern corner of the property) there are two trees located in the right-of-way, which were existing prior to the fire department building at that location. One is a wild cherry tree and one is a wild apple tree. These two trees have grown up into PP&L and Bell Telephone wires and they are unquestionably located within the right-of-way. The Fire Department is attempting to get one of the two utility companies to remove the trees, therefore greatly improving the situation at the site.

There was, Mr. Snyder believes, a question raised about some type of light to be placed near the roadway on the site. Mr. Snyder presented an advertisement displaying a solar generated unit with a two unit price tag of approximately \$9,645.00, which does not include installation. Mr. Snyder also questioned the reliability using solar power to generate electricity for the lighting. Hilltown Township Fire Department's main concern at this point is safety. When the trees were planted, they were not very tall, nor did they have the branch spread they do now. In the next several years,

the three white birch trees will have grown together. Buffer tree plantings were necessary at the time the trees were installed to meet Subdivision/Land Development requirements and approximately 35 trees were then planted. It is Mr. Snyder's understanding that the Board of Supervisors can waive plantings of that sort.

Supervisor Bennington suggested tabling this issue until the next Board of Supervisors meeting to facilitate contacting the remaining three neighbors.

2. Mr. Horrocks asked the Board's approval for employee's to attend the following seminars:

a. Officer Kane and Sgt. Watts to attend the Penna. Juvenile Officer's Association Seminar in the amount of \$854.00.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to approve the attendance of Officer Kane and Sgt. Watts at the Pennsylvania Juvenile Officer's Association Seminar.

b. Eric Applegate to attend Legal Aspects of Code Administration and Building Department Management in the amount of \$55.00.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to approve the attendance of Mr. Eric Applegate at the Legal Aspects of Code Administration and Building Department Management seminar in Lionville, Penna.

c. Thomas Buzby to attend a one day Roadmaster Workshop in Harrisburg, Pennsylvania in the amount of \$50.00.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to approve the attendance of Mr. Thomas Buzby at the one day Roadmaster Workshop in Harrisburg, Pennsylvania in the amount of \$50.00.

d. Bruce Horrocks to attend two seminars at Bucks County Community College - Orientation for Newly Elected Borough and Township Officials, and Budgets and Budgeting for Local Government in the amount of \$24.00.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to approve the attendance of Mr. Bruce Horrocks at the two seminars mentioned above, to be held at Bucks County Community College in the total amount of \$24.00.

3. A request has been received from the Hilltown Women's Soccer Club for a donation. Mr. Horrocks advised the amount donated to the Women's Soccer Club by the Board of Supervisors in 1990 was \$250.00.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to donate \$250.00 to the Hilltown Women's Soccer Club.

4. A request has also been received from the Hilltown Men's Soccer Club for a donation. Mr. Horrocks advised the normal soccer expenses for the Hilltown Men's Soccer Club for a season total approximately \$1,200.00 - \$1,500.00 per season. The Men's Soccer Club has replaced the goal posts and the nets at their expense for the past few years.

Motion was made by Supervisor Kelly, seconded by Supervisor Bennington to donate \$250.00 to the Hilltown Men's Soccer Club.

5. The Pennridge High School Football team is seeking an ad donation for their annual football program book. Mr. Horrocks advised the cost for a quarter page ad is \$55.00. For 1990, the cost was \$90.00 for a half page ad.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to purchase a quarter page ad in the amount of \$55.00 to be placed in the Pennridge High School Football team program book.

6. Motion was made by Supervisor Kelly, seconded by Supervisor Bennington and carried unanimously to donate \$100.00 to the Pennridge Community Action Team for Red Ribbon Week in support of a drug free community. Red Ribbon Week is scheduled for October 19th through Oct. 27th, 1991.

7. Mr. Horrocks attended a Super Fund briefing in Dublin this afternoon. Supervisor Bennington asked if Hilltown Township may be affected by the contaminated water problem in Dublin. Mr. Horrocks advised the flow of the water is headed towards Rickert Road, however, EPA's expected action is to reduce the flow and reduce the size of the contaminated area. Supervisor Bennington asked how they propose to eliminate the contamination. Mr. Horrocks replied they propose to drill a new well in the center of the contamination, and through current technology of filtrations, eliminate the contamination and produce pure water.

Discussion took place regarding contaminated wells in nearby communities and actions which have been taken to correct this problem.

F. CORRESPONDENCE:

1. Mr. Horrocks advised the Blooming Glen District polling place will be changed from the former Municipal Building to this building, located at 13 West Creamery Road. A hearing regarding this issue will be held in Doylestown at the Board of Elections on September 11, 1991 at 9:00AM. Mr. Horrocks will advise if a Hilltown Township official must attend this hearing.

2. Supervisor Bennington mentioned the Janos Liptak zoning violation which was discussed at a previous meeting. Solicitor Grabowski commented he will be contacting Mrs. Toni

MacMillan, a Township resident and neighboring property owner of the site in question, to discuss the matter privately, as he did not wish to discuss the pending litigation publicly at this point. Mrs. MacMillan thanked Mr. Applegate and Mr. Wynn for their efforts in pursuing the matter.

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

1. Solicitor Grabowski reviewed the following development agreements:

a. BFI - The agreements had previously been approved by the Board of Supervisors, however there are certain easements and Deeds of Dedications required for which the Board needs to consider for adoption by way of Resolution.

Solicitor Grabowski presented a Deed of Dedication for road frontage along Reliance Road from Harfman Associates and also a Deed of Dedication from the Healy Partnership on Reliance Road which should be considered for acceptance.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to adopt Resolution #91-29 as the Acceptance of the Harfman Deed of Dedication, to adopt Resolution #91-30 to Declare Public Purpose, to adopt Resolution #91-31 as the Acceptance Resolution of the Healy Deed of Dedication and to adopt Resolution #91-32 to accept the Healy Declaration of Public Purpose for the BFI Land Development.

For clarification, Mr. Wynn commented the above Resolutions are the easements needed at the intersection of Reliance Road and Bethlehem Pike for the intersection improvements.

b. Stoneycrest Subdivision - Solicitor Grabowski explained Stoneycrest Subdivision is a single family subdivision which lies partially within the Borough of Perkasio and partially within Hilltown Township. The Development Agreements have been executed by the developer, and contain all the provisions of the required improvements of Hilltown Township. A Financial Security Agreement has been signed by First Valley Bank of Bethlehem in the amount of \$225,914.91, which has been secured by the issuance of a Letter of Credit. Solicitor Grabowski advised the Letter of Credit has already been given to Lynda Seimes. In addition to the approval of the Development Agreement and the Financial Security Agreement, a petition was filed by the Developer, requesting the Township to establish a street light assessment for future property owners of that portion of Stoneycrest Subdivision who reside in Hilltown Township.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to approve the Development Agreement and the Financial Security Agreement for Stoneycrest Subdivision.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to adopt Resolution #91-33 to authorize the street light assessment for Stoneycrest Subdivision.

c. Spring Hill Realty Subdivision (Cefelli Tract) - Solicitor Grabowski stated this is a five lot subdivision located on Blooming Glen Road, north of Seven Corner Road. The Development Agreements have been executed by the developers, and there is also a Financial Security Agreement by which Union National Bank has issued a Letter of Credit to Hilltown Township in the amount of \$192,950.00. Also, a Resolution will be required to assess a street light, and road frontage along Blooming Glen Road must be accepted by Resolution, and a Resolution would also be needed to Declare Public Purpose.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to accept the Development Agreement and the Financial Agreement for the Spring Hill Realty/Cefelli Tract Subdivision.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to adopt Resolution #91-34 for the Street Light Assessment, to adopt Resolution #91-35 to accept road frontage along Blooming Glen Road, and to adopt Resolution #91-36 to Declare Public Purpose for the Spring Hill Realty/Cefelli Tract Subdivision.

2. Solicitor Grabowski advised at the August 12, 1991 Board of Supervisor's Work Session, the Board had a discussion with Mr. Eric Applegate, Building Inspector/Zoning Officer, concerning potential zoning violations within the Township. Mr. Applegate has requested direction on action to be taken on these zoning violations.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to proceed with action on the following violations and to do whatever is needed to bring these properties into compliance:

- Tax Parcel #15-17-20-1
- Tax Parcel #15-17-43-1
- Tax Parcel #15-1-58
- Tax Parcel #15-6-15
- Tax Parcel #15-1-146-1
- Tax Parcel #15-1-146-2
- Tax Parcel #15-22-73
- Tax Parcel #15-18-12
- Tax Parcel #15-8-27
- Tax Parcel #15-17-11
- Tax Parcel #15-2-8
- Tax Parcel #15-1-104
- Tax Parcel #15-11-22-12
- Tax Parcel #15-28-159
- Tax Parcel #15-34-21
- Tax Parcel #15-8-6-1
- Tax Parcel #15-29-86-1

3. A request from the Doylestown Daily Intelligencer to Hilltown Township to supply all legal invoices from January, 1991 to the present. Solicitor Grabowski explained Solicitor John Rice spoke with one of the editors of the newspaper, and stated specifically that while the Township has no general problem with supplying that type of information, within the bills themselves are various specific items and entries which are privileged information. What is meant by "privileged information" is that there are certain items which would, if made public, be a violation of certain confidences on some items of litigation which are presently ongoing, and also reveal certain personnel matters. Solicitor Grabowski did not feel that type of information should be made public and that it should be kept confidential. The editor of the Doylestown Daily Intelligencer, once he heard the concerns, expressed his satisfaction with that.

As a result of the conversation with the editor of the Doylestown Daily Intelligencer, Solicitor Rice reviewed the bills from January of 1991 through present, and removed those items which were felt to be confidential in nature. Solicitor Grabowski presented a copy of the revised bills and asked the Board's authority to release the copy of these bills.

Supervisor Bennington commented at the last Work Session, he made a recommendation that Hilltown Township has no policy or procedure to charge residents for taking an excess amount of time to review documentation. Supervisor Bennington clarified that the statement was not meant to penalize anyone in particular for requesting a document which would take 5 or 10 minutes of Township personnel's time, rather that statement was suggested to set up some type of policy or procedure for future use.

Beginning this evening, Supervisor Bennington would like to form a committee, composed of Mr. Bruce Horrocks, Hilltown Township Manager, Mr. John Gerner, representing the press, and Mr. Jack Fox, as incoming Supervisor who has "no axe to grind" and who will be affected by this in January of 1992. This committee will be charged with recommending a policy concerning this issue to the Board of Supervisors at their September 23, 1991 meeting.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to form a committee of Mr. Bruce Horrocks, Mr. John Gerner, and Mr. Jack Fox to review and recommend a policy concerning charging residents for the excessive use of Township personnel's time.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to release the information requested by the Daily Intelligencer for their review.

Supervisor Bennington further suggested the Daily Intelligencer make a small contribution to the D.A.R.E. program, for the time and effort it took to process the information which they had requested.

H. ENGINEERING/PLANNING - Mr. C. Robert Wynn, Township Engineer -

1. State Farm Insurance Land Development (Final) Mr. Tim Woodrow, Gilmore and Associates, Mr. Les Swartley, owner of the property, and Mr. Bob Cannon from Castilla Company, who is State Farm's real estate representative, were in attendance to present the plan. Last Monday, Mr. Woodrow stated the plan had been before the Planning Commission to receive recommendation for final plan approval, conditional upon several items. Those items include agreements with the Water and Sewer Authority for service connections, finalization of the PennDot permit, and documentation from DER. Regarding the establishment of construction escrow fees, Mr. Woodrow advised State Farm Insurance is in the position to offer a Letter of Credit at a local bank or financial institution, which can be agreed upon. Mr. Woodrow is seeking a conditional final approval from the Board of Supervisors for the State Farm Insurance Land Development.

Mr. Wynn commented final approval from Telford Borough Authority is required, as well as some minor plan items such as coordination of landscaping and underground utilities, and two minor drafting details which concern the restoration of land, which is actually the neighbors property, and has been used in combination with the State Farm site over the years. Dedication of all the easements and the road rights-of-way is also required. Mr. Wynn stated the Legal Description and Cost Estimate have recently been forwarded to the Township Solicitor's office for execution of the necessary agreements.

Supervisor Bennington asked if this property is the site of the former Frosty Cup. Mr. Wynn replied the site is the former Frosty Cup property and the former gas station site.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to grant final conditional plan approval for State Farm Insurance, based upon the Planning Commission and Mr. Wynn's recommendations.

2. Tollgate Village - Preliminary - Mr. Steve McKenna from Gwynedd Venture Associates, was in attendance to present the plan. Tollgate Village is proposed to be bordered by Walnut Street, South Perkasio Road and Telegraph Road and will be comprised of 116 townhouses and twins. The applicant is suggesting a fee simple community, which means ownership rights would be entirely with the homeowners.

Mr. McKenna advised the applicant is proposing to dedicate approximately half the site, or just over 20 acres to the Township as open space. That open space area would also include a retention basin area of slightly less than an acre. A recommendation of the Planning Commission was that the perimeter improvements for Walnut Street, South Perkasio Road, and

Telegraph Road were to be maintained in a rural nature, as presently exists. With that recommendation, only widening has been proposed on Walnut Street, no improvements on South Perkasia Road and widening and curbing only on Telegraph Road. Those improvements would be less than what the actual Zoning Ordinance requires. The Planning Commission made a motion specifically that any savings the applicant realized as a result of these roadway improvements, go to the improvement of the bridge, which is located near the intersection of South Perkasia and Telegraph Road.

Supervisor Bennington questioned how Walnut Street will be widened in that area. Mr. McKenna replied Walnut Street will be widened from the development opening to the bridge. Supervisor Kelly asked how the small bridge on Walnut Street will handle the excess traffic generated by the development. Supervisor Bennington replied Walnut Street is a State road under the jurisdiction of PennDot, and asked if that bridge is a part of the PennDot twelve year plan. Mr. Wynn commented the new twelve year plan from PennDot was just released on July 28, 1991, and this bridge was not a part of that plan. Mr. McKenna advised a traffic study has been prepared for this project, which has taken into account the growth within the area. According to the traffic study done by McMann Associates, there will be no significant contribution of traffic due to the Tollgate Village subdivision.

Mr. McKenna stated the applicant has suggested the plan be developed in four phases, with approximately 30 homes per phase being developed. Of that, preliminary plan approval recommendation has been received from the Planning Commission for the project as a whole, and Mr. McKenna is requesting preliminary plan approval from the Board of Supervisors this evening. It is the applicant's plan from there to proceed towards final plan approval on Phase I, and as the project progresses, to appear before the Board for final approval on each subsequent phase. One item Mr. McKenna requests is that a Resolution be passed to accept revision of the Planning Modules, which the Township is in receipt of at this time.

At the Planning Commission meeting, the applicant was asked to forward a letter to the Township outlining various steps to be taken to come into compliance with the Planning Commission's recommendations and to give a general overview of the project itself.

Supervisor Bennington pointed out some key issues the applicant was to list in that letter, including the escrow for the maintenance of the retention basin. Supervisor Bennington was present at the last Planning Commission meeting, and thought the amount being discussed at that meeting was higher than the figure Mr. McKenna quoted in the letter to the Township. Mr. Wynn believed the figure originally quoted was \$5,000.00 to \$7,000.00 for maintenance of the retention basin. Mr. McKenna stated what the applicant is proposing for the retention basin is a lump sum of \$3,000.00 being offered to the Township to use as they please to maintain the retention basin, or

in the alternative, to establish a perpetual fund which the Township would not be able to access, but receive a set interest fee from that. Mr. Wynn felt \$5,000.00 would not create enough interest to maintain the retention basin, however \$7,500.00 would, based upon an approximate \$650.00 per year cost for mowing, etc.

Another item discussed with the Planning Commission was the bridge escrow. Mr. McKenna advised the applicant has submitted a cost estimate for Phase I to Mr. Wynn's office, which outlines the improvement cost for that particular phase, in the neighborhood of \$400,000.00, and the low estimate for the bridge improvement would be approximately \$250,000.00, not counting bridge design. That would allow for 31 units to carry \$650,000.00 worth of improvements, and therefore, escrow for Phase I would not be feasible. The applicant now proposes to give the Township approximately \$62,500.00, or one quarter of the cost of the bridge. During the course of the second and third phase of construction of the project, the remaining balance would be presented to the Township. At the start of the tri-party agreement for the beginning of the second phase, \$150,000.00 would be available, and at the beginning of the third phase, the Township would have the full amount of \$250,000.00. In addition, Mr. McKenna explained, at the beginning of the second phase, the Township would be supplied with the design and the cost estimate for the bridge. Supervisor Bennington felt there was a problem since the Planning Commission had recommended approval of the preliminary plan based upon the fact the applicant was going to escrow the entire amount for the bridge improvements at the beginning of Phase I of the project. If the Planning Commission had known the applicant's intent at that time, their recommendation may not have been a preliminary plan approval. Mr. McKenna suggested Supervisor Bennington review the minutes, which specifically states the applicant will provide for funding for the bridge, which the applicant still intends to do. Supervisor Bennington asked Mr. Jack Fox, Chairman of the Planning Commission, if he felt the Planning Commission would have recommended approval if they had known the Township would not receive the full improvement cost of the bridge up front. Mr. Fox did not think he would have recommended approval under those circumstances, because if the project did not continue with the present developer, and another developer purchased it and came before the Board with a revised plan, the new developer would not be under any obligation to repair the bridge.

Mr. Wynn advised the plan proposes street lights at each intersection and lamp posts at each individual property. Street lighting is subject to the Board of Supervisor's approval. Street names must also be discussed by the Board and coordinated with Perkasio Borough to be sure none of those street names proposed already exist in the Perkasio area. The street names proposed are Country Road, Wheatsheaf Lane, Misty Meadow and Field Stream Drive.

Additionally, one item outstanding is the Act 537 approval, which the Board of Supervisors, on a major subdivision, does not approve until the preliminary plan stage. In the event the Board of Supervisors does consider a preliminary plan approval, Mr. Wynn recommends the Board pass a Resolution for an Act 537 revision so that may move forward with DER.

A portion of the entrance roadway is within the 100 year floodplain and there are outstanding approvals or a waiver required from DER for that area. Additionally, Mr. Wynn advised there are other permits for the crossing of some areas of waters of the Commonwealth, which consists of either a waiver or an approval by the Army Corp. of Engineers.

The retention basin, as proposed, has a depth during a 100 year storm event of 5 ft. The Subdivision regulations provide that basins shall not have a depth in excess of 30 inches, however, Mr. Wynn commented that is a waivable item. The applicant is not proposing to fence the entire basin, but rather caging the outlet structure where there would be suction leaving the basin. To clarify, Mr. Wynn explained the retention basin is proposed to be on ground that would be with the open space and dedicated to the Township. The basin area is in excess of the open space requirement.

There is final approval from the Hilltown Township Water and Sewer Authority for both water and sewer. Other outstanding items include that the plans be submitted to the Fire Department for approval of the fire hydrant locations.

Mr. Wynn advised there are a number of easements and rights-of-way offered for dedication which are necessary with approval from the Bucks County Conservation District for erosion control. There are also some temporary construction easements on adjoining properties which need to be addressed.

Supervisor Bennington asked why so many outstanding items and conditions remain on this plan, and why these items have not been rectified before preliminary plan approval has been recommended. Mr. Wynn stated many of the items on this particular plan cannot be accomplished until a preliminary plan approval has been granted, for example, the Park and Recreation Board is waiting for the Board of Supervisors approval, and DER cannot review the Planning Modules until the Supervisors approve the Act 537 Revision, which is not done until preliminary plan approval. The Hilltown Township Water and Sewer Authority, is of course, waiting for that approval before they enter into any final design approval for connection. The Erosion and Sedimentation Control Plan is something that will take place in phases, and until the Master Plan has been approved preliminarily, the final phase plan which has already been submitted, cannot really be reviewed. Mr. Wynn agreed that there are many items outstanding on this particular plan, however they are dependent upon the basic layout being approved preliminarily.

Supervisor Bennington stated when this plan was first submitted, there was a great negative response from the residents of South Perkasio Road, Telegraph Road and Walnut Street, however he did not notice a large turnout at the last Planning Commission meeting when Tollgate Village was discussed. Mr. Wynn commented the plan has evolved quite a bit from the original submission approximately 2 1/2 years ago, with the major concern being initially two access points were proposed on Telegraph Road and no access point on Rt. 152. Also, the original submission was for multiplex units, which was denied by the Zoning Hearing Board and the plan was revised to include the present townhouse and twin proposal. Mr. Wynn stated if the open space is accepted by the Township, a portion of it is presently in agricultural use, and his recommendation would be that area be placed into lawn to be utilized for recreation.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to preliminarily approve the Tollgate Village Subdivision plan with the Planning Commission recommendations and conditions being met, Mr. Wynn's conditions being met, as well as establishing either an Escrow Fund or a Letter of Credit, in the full amount for bridge improvements prior to the beginning of Phase I, and the applicant placing \$7,500.00 in an account to generate enough interest and income to cover maintenance of the retention basin.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to approve Resolution #91-37 for the Act 537 Revision for the Tollgate Village Subdivision plan.

3. BOCN Subdivision (Final) - Mr. Wynn presented the BOCN minor subdivision, located on Hilltown Pike, at the location of the former PennDot yard. Because of the trash and debris on the site, Mr. Wynn stated the plan had been given preliminary plan approval, even though it was a two lot subdivision, and now is before the Board seeking a final plan approval. The plan proposes one new building lot of 50,000 sq. ft. in area, with the remaining property as Lot #2, not proposed as a building lot at this time. The first of two recommendations the Planning Commission had made was to grant final plan approval subject to three items: final approval of the Planning Modules by DER, installation of property monumentation and certification by the responsible surveyor, and dedication of Hilltown Pike right-of-way to the ultimate right-of-way line. The second motion of the Planning Commission concerned the continued allegations, apparently made by former PennDot employees, of buried oil drums on this site. This site was first reviewed by DER with Chairman Bennett present in March of 1991. At that time, according to notes Chairman Bennett kept at the meeting, Mr. Frederick had taken water samples and intended to supply the Township with the results of the samples. Since that time, the Township has received no response from DER. According

to the applicant at the Planning Commission meeting, they have not been able to move forward with DER, and the concern continues regarding the alleged oil drums buried on the site. The Planning Commission also made a motion to recommend that the Township follow up with Mr. Walter Frederick of DER as to the status of their application and attempt to receive written communication from DER regarding whether or not the allegations are true and whether there is any information that suggests they are true, as well as the results and samples from the water tests taken. The applicant did have samples taken on their own, which were negative. At this point, nothing has been received in writing from DER concerning their investigation.

Supervisor Bennington has reviewed Mr. Wynn's information regarding this matter and sees the Planning Commission has recommended approval of the final plan, however, Supervisor Bennington would like to table this plan until receipt of response from DER regarding the alleged oil drums. Supervisor Kelly was in agreement. Mr. Wynn will contact DER to follow up on the matter.

Solicitor Grabowski questioned the applicant's water samples and inquired as to whether the samples had been taken from the well contained on Lot #1. Mr. Wynn replied the samples were not taken from the well on Lot #1, which was a hand dug well, but rather from a small spring located to the rear of the former filled area on the site. The applicant was present and explained the sample process.

4. Hilltown Village Subdivision - Mr. Wynn advised this subdivision has requested an extension to complete installation of property monuments, replacement of landscape plantings and correction of right-of-way, erosion, and seeding. The site is located at the corner of Hilltown Pike. Mr. Wynn recommends the extension be authorized to extend no further than October 15, 1991.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to extend the Hilltown Village Subdivision until October 15, 1991.

5. Orchard Road/Rt. 152 Intersection - Mr. Wynn met with Mr. Buzby and Mr. Horrocks to visit the Orchard Road/Rt. 152 intersection. After discussion with Mr. Buzby, it was recommended the Township contract that project out as Mr. Buzby felt the Public Works Department could not handle that size project with their current work load. With that in mind, if the Township wishes to pursue this as a contract job, Mr. Wynn commented it would be a prevailing wage project, which takes approximately four to six weeks to secure the wage rates. Mr. Wynn recommends the Township proceed with the PennDot approval. There were two minor items including the discharge of the storm sewer in front of the Grabowski property. Rip-rap was requested, however the Township has resubmitted the plans with pegged sod, since it is a lawn area. Calculations have been provided to show pegged sod would suffice. The other

item was changing a grate to a different type grate. These are the only two items outstanding before the permit can be issued. The Township can proceed with the permit and also proceed with specifications and easements, and bid the project in late winter or spring for construction, if that is acceptable to the Board.

Supervisor Bennington commented this project had originally been discussed with the thought that Mr. Buzby's Public Works Department could complete the work, and asked if the total cost estimated under those conditions will still allow for sufficient funds in escrow to complete the project. Mr. Wynn advised the cost he had estimated was not based upon the Public Works Department completing the project, but rather upon the job being bid out at the prevailing wage rate.

Supervisor Bennington asked for an explanation of the term "prevailing wage rate". Mr. Wynn replied it is a wage established by the State, based upon union rates, and it is required on many Municipal projects which will exceed \$25,000.00. Supervisor Bennington asked if the money the Township has in escrow, which came from the Phinney Subdivision and another subdivision to pay for that improvement, would cover the improvement, even at the prevailing wage rate. Mr. Wynn replied that it would cover the cost of construction.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to proceed with the Rt. 152/Orchard Road intersection project construction, predicated upon the prevailing wage rate and bidding, with construction hopefully beginning in the spring of 1992.

Mr. Wynn advised he is in receipt of all the easement documents from the Township Solicitor's office, except for Solicitor Grabowski's father's easement. That easement document has not yet been completed due to the Authority also requesting right-of-way for a waterline, and the document for Mr. Grabowski needs to be combined and re-written. Mr. Wynn has not yet spoken to the individuals affected, because he wished to distinguish the time frame and how the project would proceed.

6. Broderick Tract Subdivision - Mr. Wynn commented the Broderick Tract Subdivision curbs have become worse since Mr. Kemmerer had attempted to make the repairs. Mr. Wynn recommended the Board approve a motion to hire a contractor to straighten out the patching Mr. Kemmerer has completed, and utilize the escrow money for that purpose.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to utilize the escrow funds for the Broderick Tract Subdivision to correct the curbing.

7. Roach Subdivision - Mr. Wynn explained the Township has received a letter from Christopher Schubert regarding the Roach Subdivision. The applicant is requesting a punch

list as to what items are outstanding and need to be completed before they can prepare linens, now that they have indicated there are no longer any appeals pending against that subdivision.

Supervisor Bennington asked if this meant the applicant will begin construction in the near future. Mr. Wynn was not sure, however some time ago, the Roach Subdivision had requested an escrow estimate. This subdivision was submitted a very long time ago, and under a different fee structure than the Township presently has in place. In 1986, Mr. Roach was advised he would have to place funds in escrow, so that the Township would have no additional costs regarding the review of the subdivision.

In order to respond to the correspondence from Mr. Schubert, Mr. Wynn suggested the Township advise Mr. Schubert that an escrow will be necessary to cover Township costs in both developing the punch list and reviewing any escrow costs, or legal descriptions, as the case may be. Solicitor Grabowski felt the Township should set an amount to establish the escrow account. Mr. Wynn suggested an amount of \$1,500.00.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to advise Mr. Schubert that the Roach Subdivision is required to provide the Township with an escrow account in the amount of \$1,500.00 to cover any Municipal costs with providing the applicant the information requested and further review of the plan.

8. Escrow Releases - Supervisor Bennington presented the following Escrow Releases for approval (Letters of Credit):

Cheeks, Inc.	Voucher #3	\$ 19,404.00
Summit Court	Voucher #27	\$ 165.00
Summit Court	Voucher #28	\$ 72.57
Browning-Ferris Inc.	Voucher #1	\$ 24,248.25
Browning-Ferris Inc.	Voucher #2	\$ 398.60
Orchard Station	Voucher #16	\$ 505.91
St. Philip's Church	Voucher #3	\$ 398.19

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to release all of the escrows listed above.

9. Escrow Update - Mr. Wynn presented a status report to the Board of Supervisors of all the escrow funds, dated August 23, 1991.

I. RESIDENT'S COMMENTS

1. Mrs. Jean Bolger was concerned that since the park to be constructed at the former Civic Association Field is receiving attention at this time, the idea of regional park facilities throughout the Township would not be developed further. Mrs. Bolger questioned how much time residents will be able to use the new park at the former Civic Association Field, with all the different organizations within the Township making use of the park.

Mrs. Bolger was impressed with the Tollgate Village development in that the developer has expressed interest in donating the open space area to the Township for recreational use. Supervisor Bennington mentioned Elysian Fields, the development located on Orchard Road, has proposed a jogging path.

Mrs. Bolger also thanked Mr. Wynn and the Board of Supervisors for utilizing the newly created easel in the meeting room, as it makes it easier for residents to view plans which are being discussed.

Mrs. Bolger commended the Board of Supervisors for the action taken earlier this evening regarding Bernie Enterprises, and felt the Board made the right decision.

2. Mr. Bob Gregory asked if the public would have any input concerning the committee appointed this evening to establish a policy regarding charging the public for excessive employee's time used to review Township information. Supervisor Bennington replied the public will be able to voice their opinion before the Board of Supervisors makes a final decision based upon the committee's recommendations.

Mr. Gregory is also before the Board this evening to set the record straight concerning the inferences of impropriety reported by the Auditors regarding his wife, former Acting Township Manager, Lee Buchanan-Gregory. Mr. Gregory stated the attendance at seminars which the Auditors felt were excessive, were requested at public meetings and approved by the Board of Supervisors. This information is made public in the minutes of the meetings of April through December of 1990.

Regarding no documentation or purpose of seminars, Mr. Gregory commented the minutes of those same Supervisor's meetings, under the Manager's Report section of the agenda, contains all the topics, discussions, and issues of the meetings and seminars Ms. Buchanan-Gregory attended. There being no formal policy in effect for reporting attendance at seminars, the public meeting forum was used to make that report.

The Auditors also discussed excessive travel mileage. Mr. Gregory did not understand how the Auditors determined what constitutes "excessive mileage" for a Township Manager traveling to conduct Township business.

Mr. Gregory has reviewed the petty cash files. In that review, Mr. Gregory found the piece of paper used as a receipt to withdraw \$30.00, which the Auditors had questioned in their report. This amount was issued on August 24, 1991 for Supervisors meals for a dinner meeting held on August 27, 1991. During Mr. Gregory's review of the petty cash receipts, he did not see any cash withdrawals for \$20.00 issued to the Acting Township Manager, without any justification or documentation.

The Auditor's Report cited numerous expenses for travel which were not approved prior to payment. If this is a fact, Mr. Gregory asked why the Board of Supervisors approved these travel miles for payment without challenging the travel expense prior to issuing the check. The Supervisors signed and issued the checks for payment, so by their own default, Mr. Gregory felt the expense report for travel was approved.

Mr. Gregory noted one item of significance the Auditors omitted from the Report which was citing the Board of Supervisors for not following the law contained in the Second Class Township Code, specifically Section 702 which delineates procedures for hiring an independent audit firm. The reason Mr. Gregory is bringing this to the public's attention is because it cost the taxpayers \$17,000.00 or more for the independent audit. The law states the amount paid the independent audit firm shall not exceed the amount normally afforded to the Township Auditors, which is approximately \$600.00 per auditor per year, unless an additional amount is approved by the court. Since the court was never petitioned for an independent audit, Mr. Gregory stated the taxpayers will never know what the actual savings could have been.

Mr. Gregory stated the attack on Ms. Buchanan-Gregory by the Auditors was unfounded and unsubstantiated in official public records. Mr. Gregory felt the attack on the professionalism, character and integrity of the individual cited was deliberate and malicious. To let this issue go unchallenged, Mr. Gregory stated, would infer that the actions of the Auditors are condoned and the statements are correct, which he feels they are not. Mr. Gregory commented this is a prime example of elected officials using their office of power in an attempt to assassinate an individual's character. Because of their negligence in obtaining the facts and abusing their office of power, Mr. Gregory recommended the Auditors offer a public apology, that they rescind and correct the Auditors Report to reflect the correct facts, since this report can be damaging to an individual seeking employment, and offer their resignation because of the abuse of their power and their office.

3. Mr. Joe Miketta, Jr. was concerned about the discharge of stormwater runoff onto the right-of-way and onto his property on Hilltown Pike. Supervisor Bennington commented, during the winter months, he personally avoids that intersection when he feels it may be icy because he knows it can be very dangerous. Mr. Wynn advised there apparently has been a diversion of water that has affected the State right-of-way and there are State regulations against that, however Mr. Wynn cannot enter private property, so he does not know if that is the case. Mr. Miketta advised there are two property owners who would grant permission for Mr. Wynn to enter their property, however he does not feel the third property owner, who may or may not be responsible for the problem, would give Mr. Wynn permission. Supervisor Bennington asked Mr. Wynn to review the site, at his earliest convenience, since Mr.

Miketta and two of his neighbors will allow him to enter their property. Mr. Wynn will contact Mr. Miketta's father to arrange a site inspection.

4. Mr. Mike Moody had submitted a letter to the Board of Supervisors regarding a partially completed dwelling on Township Line Road, just south of Hilltown Pike. Mr. Moody has been discussing this issue with Mr. Applegate. The building permits have expired, and the current status of the approval process is that it has received rough plumbing approvals and rough electrical approvals, both of which are now outdated. The structure has never passed a rough framing approval. Mr. Moody stated the BOCA Code is designed for following the process as you go along. The house is framed and is now sheet rocked, however no rough framing approval has ever been given. Mr. Moody commented this project was begun under the reign of the Township's old inspection service, Code Inspections, and the records as to why the rough framing was denied are not available to the Township. The former inspection company is refusing to release those records, and Mr. Moody feels he is caught in the middle. Mr. Applegate and Mr. Moody need some guidance on how to resolve the issue of rough framing approval, without doing something drastic like ripping out the existing drywall and insulation. Mr. Moody advised there is an inspection sticker on a window inside the house that states the rough framing was disapproved.

Mr. Applegate explained the building permit on the site has expired, and since the time the original permit was taken out, the Township has upgraded the codes to the 1989 edition. Mr. Applegate has never been inside the building and has never reviewed the plan. As far as Mr. Applegate is concerned, he feels the plan should be re-reviewed to be sure it is up to current code standards. Solicitor Grabowski asked why there was a delay of construction of two years from the time the building permit was taken out. Mr. Moody replied a builder who has since gone bankrupt, had never completed the house. Solicitor Grabowski felt the only logical course of action would be to remove the drywall and start from scratch. Supervisor Bennington agreed with Solicitor Grabowski, but allowed the applicant more time to pursue other options before he would appear before the Board again. Discussion took place regarding the options available to the applicant.

5. Mr. John Snyder commented last October, he was approached by a representative of the map company who was soliciting advertisements to be placed around the border of the Hilltown Township map. Mr. Snyder felt it would be a good idea, both as a local businessman and being involved with the Township as he is, to advertise his business on the map. Mr. Snyder is disappointed that the maps will not be mailed to Township residents as was originally proposed, due to financial considerations. Mr. Snyder suggested the Township generate a computerized mailing list for future bulk mailing.

Discussion took place regarding the pros and cons of mailing the maps to Township residents, as the last mailing resulted in a 15% return of undeliverable mail.

Chief Egly suggested the maps be distributed from the schools when they open in September. Solicitor Grabowski also suggested the maps could be distributed at local churches. Supervisor Bennington felt the idea of distributing the maps throughout the schools should be pursued.

Mr. Snyder also announced on Friday, August 30, 1991, the engine which has been refurbished will be on display at Station 61 of the Hilltown Fire Company, located on Rt. 152 in Hilltown. All Township residents and the press are welcome to attend.

J. SUPERVISOR'S COMMENTS

1. Supervisor Bennington made a motion for Supervisor Kelly to attend the National Convention of Township Supervisors in Washington, DC in September. Motion was seconded by Supervisor Kelly and carried unanimously.

2. Mr. Wynn noted there are four linens for signature following this meeting. BFI and Toth Brothers linens are re-dates, which had been signed at a previous meeting, however the 90 day time period had expired before the applicant had the plans recorded. The plans for Bialowas Subdivision and Cefelli Tract Subdivision are also available for signature. All these plans had been previously approved, and the Cefelli Tract escrow was signed earlier this evening.

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

L. TREASURER'S REPORT - Supervisor Bennington read the Treasurer's Report dated August 23, 1991:

General Fund - Checking Account
End of Month Balance - \$152,028.37

Payroll Checking Account
End of Month Balance - \$189.02

Fire Fund - Checking Account
End of Month Balance - \$72,833.43

Debt Service Investment/Checking Account
End of Month Balance - \$108,046.32

State Highway Aid - Checking Account
End of Month Balance - \$145,263.05

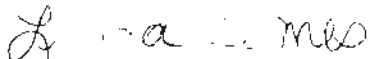
Escrow Fund - Checking Account
End of Month Balance - \$93,344.62

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to approve the Treasurer's Report for August 23, 1991.

Supervisor Bennington announced the Supervisors would meet in Executive Session for a short time following this meeting to discuss a personnel matter.

M. ADJOURNMENT - There being no further business, a motion for adjournment of the Hilltown Township Board of Supervisor's meeting of August 26, 1991 was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously at 11:30PM.

Respectfully submitted,



Lynda Seimes
Assistant Township Secretary

984A

Hilltown Township Park & Recreation Board

August 20, 1991

RECOMMENDATION 91-3 The Park & Recreation Board unanimously voted to recommend that the Master Plan for improvement of the Hilltown Civic Association field, by Carter Van Dyke Associates, Plan Alternative #1 (modified) dated August 14, 1991, be accepted as presented and that Phase I be implemented as presented in the plan.

AUG 23 1991

C. ROBERT WYNN ASSOCIATES, INC.

Consulting Engineering
211 West Broad Street
Quakertown, PA 18951

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

Memo To: Hilltown Township
From: C. Robert Wynn
Subject: Escrow Release Summary
Date: August 22, 1991

1. Cheeks, Inc. - Voucher No. 3 dated August 19, 1991 in the amount of \$19,404.00 for basin, storm sewer, and E&S control.
2. Summit Court - Voucher No. 27 dated August 19, 1991 in the amount of \$165.00 for retained funds for Township completion of storm sewer trench.
3. Summit Court - Voucher No. 28 dated August 19, 1991 in the amount of \$72.57 for const. obs./esc. admin. for period from 1/1/91 thru 7/31/91.
4. Browning-Ferris Industries - Voucher No. 1 dated August 19, 1991 in the amount of \$24,248.25 for clearing, strip topsoil, basin excavation, and E&S control.
5. Browning-Ferris Industries - Voucher No. 2 dated August 1, 1991 in the amount of \$398.60 for const. obs./esc. admin. for period from 6/1/91 thru 7/31/91.
6. Orchard Station - Voucher No. 16 dated August 20, 1991 in the amount of \$505.91 for reimbursement for const. obs./esc. admin. for period from 4/1/91 thru 5/31/91.
7. St. Philip's Church - Voucher No. 3 dated August 22, 1991 in the amount of \$398.19 for const. obs./esc. admin. for period from 6/1/91 thru 7/31/91.

Au L.O.C.