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HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED PUBLIC MEETING
Monday, December 31, 1990
10:00AM

The meeting was called to order by Chairman William H. Bennett, Jr. at 10:08AM and opened with the Pledge of Allegiance.

Also present were: Kenneth B. Bennington, Vice-Chairman
Betty J. Kelly, Supervisor
Lee Buchanan-Gregory, Acting Township Manager
Francis X. Grabowski, Township Solicitor
C. Robert Wynn, Township Engineer
George C. Egly, Police Chief

A. APPROVAL OF MINUTES:

Mrs. Florence Simons, Tax Collector, pointed out incorrect spellings of names on pages 4 and 5.

Motion was made by Supervisor Kelly, seconded by Supervisor Bennington and carried unanimously to approve the minutes of December 10, 1990 as corrected.

B. APPROVAL OF CURRENT BILLING:

Chairman Bennett stated these are the last bills for the year 1990 and the total is \$48,833.00, plus \$1,222.00 for State Highway Aid, plus Escrow Releases totalling \$7,932.00, bringing the grand total to \$54,071.69.

Supervisor Kelly questioned the bill for auditing services by Neissen, Dunlap and Pritchard in the amount of \$195.00. Ms. Buchanan-Gregory advised this bill is for an account review by Neissen, Dunlap and Pritchard in September to ensure implementation of the firm's recommendations.

Motion was made by Supervisor Kelly, seconded by Supervisor Bennington and carried unanimously to pay all bills when due

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

D. CONFIRMED APPOINTMENTS:

1. Ms. Lorraine Spear - Green Meadows - Ms. Spear was in attendance on behalf of Green Meadows Playground Association, to request preliminary approval to allocate monies for the proposed park at Green Meadows.

Mr. Grabowski, Township Solicitor, presented a proposed Resolution by the Board of Supervisors of Hilltown Township signifying the Supervisor's intent to accept the conveyance of certain open space land from the Green Meadows Homeowner's Association. Mr. Grabowski advised he has ordered a title search of the property to insure there are no hidden liens or encumbrances. This title search should be available within the next ten days.

Mr. Grabowski explained a deed from the Green Meadows Homeowner's Association to the Township would be needed, with reference made to the access incorporated into the deed. Mr. Grabowski asked for the names of authorized representatives of the Green Meadows Homeowner's Association so that these names could be incorporated into the deed.

Chairman Bennett stated while this agreement is not final since there has not been a final meeting with the Park and Recreation Board, tentatively the Township was planning to spend approximately \$25,000.00 on the Green Meadows field within the next year. These improvements would include a new baseball field to little league/softball dimensions, a basketball court which would accomodate street hockey as well, playground equipment, and buffering costs.

Supervisor Bennington stated he was hesitant to pass this Resolution without having met with the Green Meadows Homeowner's Association regarding the grass maintenance or without having a two-thirds vote by the Homeowner's Association regarding deeding this parcel to the Township. Chairman Bennett agreed with Supervisor Bennington. Mr. George Leister of Green Meadows stated as far as the maintenance of the field goes, it is all straight mowing and is presently done by the Homeowner's Association.

Mr. Grabowski suggested Ms. Spear attempt to obtain the two-thirds vote of the Homeowner's Association and come to an agreement with the Township regarding grass maintenance by the next regular scheduled meeting of the Board of Supervisors on January 28, 1990. Mr. Grabowski's office could then prepare the deed to proceed with this project.

2. Ms. Kathleen Simons - Mrs. Anthony Witczak was present in Ms. Simon's absence regarding trespassing on her property and neighboring properties, even though these properties are posted. Mrs. Witczak was seeking a report from Chief Egly and some response from the Supervisor's as to what response the residents can anticipate in terms of police enforcement action regarding this ongoing trespassing problem. Mrs. Witczak stated the individuals involved, contrary to what is written in the minutes, are not gentlemen. The trespassing problem has been ongoing for several years and Mrs. Witczak advised neighboring residents have complained to the Police Department many times.

Mrs. Witczak first spoke to Chief Egly in December of 1989 when hunters were seen hunting within 50 feet of her home. Chief Egly informed her there was nothing he could do at that time. Mrs. Witczak requested a definitive response as to what the resident's can expect from the Police Department when such complaints are made.

Chairman Bennett recalled another problem which had been discussed at the first Supervisors meeting in December on this issue, where hunters were using rifles instead of shotguns to hunt.

Mrs. Witczak explained there is a fence row which runs 80 feet from her home. On the day of the incident, the hunters saw that both Mr. and Mrs. Witczak's cars were not in the driveway and proceeded to walk between the Witczak's home and the fence row carrying rifles. The men entered the wooded area and shots were heard at this time. Mr. Witczak heard the shots and confronted the men, who simply ignored him and walked away. Mrs. Witczak is concerned about the irresponsible behavior of these hunters and she does not like it happening on her property.

Chief George Egly explained the local police responsibilities as opposed to the State Game Commission responsibilities. Chief Egly phoned the Game Commission and was told they will not stop hunting in Hilltown Township since there is a large amount of open area in the Township. Chief Egly was also informed that Hilltown Township has the second highest number of road killed deer in Bucks County. Chief Egly called the Attorney General's office to ask if the Township could get an order prohibiting hunting within Hilltown Township. The Attorney General's office response was the prohibition of discharge of weapons in a Township which allows hunting is unenforcable. Chief Egly stated since hunting season has opened this year, the Police Department has cited 23 people for trespassing.

Mrs. Charlotte Tatu stated Kathleen Simons was with her the day she called Officer Kane to investigate her complaint about the trespassing and illegal hunting. Officer Kane told Mrs. Tatu and Ms. Simons there was nothing the Police Department could do and they could not enforce any citation on these hunters. Mrs. Tatu stated the properties from Upper Church Road to Callowhill Road are all posted. Chief Egly explained that if the deer was shot prior to entering posted land, the hunter has the right to go on posted land to kill the deer and drag it off the property. Mrs. Tatu stated these men enter posted land with the intent of hunting on that land and the residents would like citations issued for trespassing so that perhaps they will not do it again. Mrs. Tatu said if these people are fined, they may think twice about entering private, posted property at another time. Chief Egly has spoken to Officer Kane who, along with Mrs. Simons son, agreed to let these men go this time.

Mr. Rick Censky of 2701 Hilltown Pike stated he has seen the hunters on the posted land well within a 150 yard radius of homes. Mrs. Florence Simons asked what procedure should be used when contacting Hilltown Police regarding hunters trespassing on private, posted property. Chief Egly advised each officer is a sworn officer of the law and must use his best judgement and discretion when citing a person.

Supervisor Bennington stated when a call comes in to the Police Department regarding hunters using highpowered rifles, or

trespassing on private, posted land, an officer should be dispatched immediately and citations should be issued if illegal activities are taking place. Supervisor Bennington felt the real issue is that the hunters in question are repeat offenders who have not been issued citations for hunting illegally.

Chairman Bennett recognized the need for hunting and thinning the deer population, even though he is not a hunter himself. Chairman Bennett stated unfortunately there is always a percentage of the population who will disregard the laws, rules and regulations involved. Chairman Bennett directed Chief Egly to write a letter to the known offenders, to inform them the Township is aware of this problem and state they will be arrested if they attempt to hunt illegally in Hilltown Township again. The residents thanked Chairman Bennett and the Board for their help in rectifying this matter.

3. Park and Recreation Board - Bob Wendig - This item has been postponed until the next Board of Supervisors meeting to be held on January 28, 1991.

E. MANAGER'S REPORT - Ms. Lee Buchanan-Gregory, Acting Township Manager -

1. Ms. Buchanan-Gregory informed the Board of Supervisors that the Recreation and Rehabilitation Application Grant has been received and is in the process of being reviewed for it's merit. An award will not be made until February or March of 1991.

2. Bid Proposal #90-13 for Traffic Signal Repair and Maintenance Contract for the lights at Rt. 113 and Souderton Square, Rt. 113 and Rt. 313, Rt. 113 and Bethlehem Pike, Rt. 309 and Hilltown Pike, and the school flashers on Rickert Road, Broad Street and Callowhill Road, is before the Board. Two bids have been received in response to the ad which was placed in the News Herald. Ms. Buchanan-Gregory advised this bid closed on Friday, December 28, 1990 at 5:00PM.

Chairman Bennett read the bids which follow:

Signal Service Company of Exton, Pennsylvania - \$400.00 each for the traffic lights at the intersections listed above, and \$200.00 each for the flashers at the three schools - totalling \$22,000.00.

Precision Electric Company - \$39.50/hr. for bucket truck, \$49.00/hr. Overtime, Light Vehicle - \$12.00/hr., Labor - \$35.00/hr.

Discussion took place regarding financial responsibility for traffic light maintenance shared between one or more neighboring municipalities. Chairman Bennett advised the bid issue will be tabled until clarification is received.

F. ENGINEERING/PLANNING - Mr. C.R. Wynn, Township Engineer

1. Tollgate Village Subdivision - Mr. Wynn stated the plan before the Board is actually a sketch plan which was submitted to the Planning Commission for changes to the preliminary plan. The sketch plan shows the proposed phasing of the development. There is an increase in the land area of the site which changes the proposal for multiplex units, in light of the Zoning Hearing Board decision which clarified the fee simple arrangement of the multiplex lots or lane lots, which are not allowed per the Zoning Ordinance.

Mr. Wynn explained the Planning Commission had made a motion to deny the original preliminary plan of the subdivision. That denial was based on the fact that the plan now being discussed includes additional lands of Emerson Swartley, additional access to Walnut Street, and additional units of which the original plan had been denied by the Zoning Hearing Board for both lot configurations. That motion has been forwarded to this Board by unanimous decision. The Planning Commission also approved a motion that the Board of Supervisors consider the fees already paid for this application, in anticipation of a new preliminary plan submission based on an arrangement similar to this subdivision. Mr. Wynn stated if more units were added, naturally the applicant would need to pay the additional fee for the added units. The applicant has paid \$14,000.00 in fees and did not progress very far into the application process. The second action of the Planning Commission was to recommend denial of the original submission, and to credit the new application with previously submitted fees.

Mr. Wynn said this plan was not discussed in great detail by the Planning Commission. There is some open space shown and the Planning Commission suggested the sketch plan be forwarded to the Park and Recreation Board for their preliminary review for recommendation to the Township to accept the open space fee simple. If the Board of Supervisors concurs with that, two copies of this plan will be forwarded to the Park and Recreation Board for their recommendation.

Mr. Wynn stated another issue discussed by the Planning Commission was they felt the multiplex units require 8,000 square feet per dwelling unit or a minimum lot of 32,000 square feet. The applicant and applicant's engineer disagreed with the Planning Commission regarding this issue. Mr. Wynn advised that issue was tabled pending receipt of a written decision by the Zoning Hearing Board.

Mr. Sean Flynn, attorney for the applicant, and Mr. Barry Wert, applicant's engineer, were in attendance to represent the applicant. Mr. Flynn requested the Board take no action on the plan and that all parties can agree on an extended date for a decision to be made. Mr. Flynn understood there were two major issues to be addressed regarding the plan. One issue being the original plan before the Board for decision shows

a loop road coming out onto Telegraph Road with no access on Walnut Street. The second issue was the configuration of multiplex units, which the applicant would like to be single ownership. Mr. Flynn stated since the original plan was reviewed, the applicant has purchased additional lands from Emerson Swartley which will allow access to Rt. 152. After denial by the Zoning Hearing Board on November 16, 1990, the applicant reconfigured the multiplex units to show individual single ownership dwelling units all in one building. Instead of having fee simple ownership of a piece of ground, the applicant is proposing condominiums or an association form of ownership for the general land.

Mr. Flynn explained this is not what the applicant intended, however, it is all that can be done to still have multiplex units. Mr. Flynn stated the applicant has made progress and is seeking direction from the Board of Supervisors.

Mr. Jack Fox, Chairman of the Planning Commission, explained the Planning Commission's doubts regarding the multiplex units are on the size of the lots and the lane lots. The Planning Commission's recommendation was that since the applicant put so much money into the submission, the applicant should get credit, however, the plan should be turned down due to the plan being denied by the Zoning Hearing Board. Mr. Fox stated the plan changes from a fee simple type dwelling to a condominium type dwelling, yet the Zoning Ordinance is specific when it states a condominium is strictly an ownership change and does not affect a Land Development. Mr. Fox explained the Planning Commission, at their December 17, 1990 meeting, did not yet have the Zoning Hearing Board's decision regarding this issue.

Mr. Flynn stated since the configuration appears to be a zoning problem, possibly the Zoning Officer could make a judgement on this.

Supervisor Bennington asked how many extensions Tollgate Village has received. Mr. Wynn said the original submission was in January of 1990. Supervisor Bennington stated normally, after a number of extensions, the plan is usually denied and a new submission is required. Supervisor Bennington personally felt the original plan should be denied, the applicant given credit towards submission of a brand new plan, and then submit the preliminary plan to the Planning Commission for review. Supervisor Bennington agreed with Mr. Flynn's idea of the Zoning Officer making a decision regarding the condominiums. Mr. Wynn stated he believes the denial by the Planning Commission was based on the Zoning Hearing Board decision, and also the previous review by the Bucks County Planning Commission for the preliminary plan submission.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to deny the Tollgate Village Plan, with proper credit assigned to Tollgate Village for resubmission fees, based upon the Zoning Hearing Board decision and the Bucks County Planning Commission comments.

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2. Owen Rice Subdivision - Mr. Wynn advised this is a minor subdivision located on Hayhouse Road and Old Bethlehem Road, which proposes one new building lot. This is identified as Lot #1 containing a lot area of approximately 76,000 square feet. The balance of the property, which is approximately 40 acres, will remain in it's current agricultural use. The proposed lot is to be serviced by on-site septic system, sand mound and well. Mr. Wynn explained the plan proposes installation of buffer plantings along the frontage of the site and installation of a box trench grate with driveway access, and dedication of the right-of-way of Hayhouse Road to the Township. The plan was recommended for approval by the Planning Commission based upon a number of items, most of which were drafting in nature, and have been completed on this plan, which was submitted subsequent to the Planning Commission's review. Mr. Wynn stated the issues that were not drafting in nature, have not been completed, and include the dedication of right-of-way of Hayhouse Road and Old Bethlehem Road, approval by the Bucks County Conservation District for Erosion and Sedimentation Control which has been submitted, installation of property monuments and buffer plantings or an escrow to guarantee those, and Planning Module approval by the Bucks County Department of Health and DER. Mr. Wynn advised the Planning Modules are available, and need to be signed by the Township Zoning Officer, Planning Commission Chairman, and can then be forwarded with the revised plans.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to recommend final plan approval for the Owen Rice Subdivision, based upon the recommendations of the Planning Commission and Mr. Wynn.

3. Richter Land Development - Mr. Wynn stated this is the final plan for Richter Drafting. Linens had been submitted in anticipation of approval, and the Planning Commission has recommended approval. Mr. Wynn explained the Richter Land Development had received preliminary plan approval approximately six months ago. There were a number of conditions which have since been accomplished. The plan proposes a 5,000 square ft. building to be constructed to rear of the existing Richter Drafting office. The half of a double home, which is currently their office, is to be reconverted back to a full residential use. It is presently residential on the second floor, however the first floor is primarily Richter Drafting with use of the garage and other outbuildings. It is proposed to replace the use of the first floor of the home, and the use of the garage and outbuildings with the building to the rear. Mr. Wynn stated at one point Richter Drafting had a Zoning Hearing Board decision rendered for the removal of the forest area to the rear of the property. Public improvements include approved access, entranceway, curbing, stormsewer, stormwater management facility,

and connection to public water and sewer. Outstanding at this time is the execution of an escrow agreement to guarantee the public improvements, dedication of right-of-way, which is offered on the plan, and final approval by Telford Borough Authority, who has indicated they will supply service for both water and sewer. The actual method of providing water has not yet been resolved. Telford Borough Authority has indicated they will connect the site to public water, however, whether it is through a small two inch water line run along Rt. 113, or a new eight inch water main, is still to be resolved based on decisions being made by Souderton Square, as to their desire to service and their willingness to pay the cost to run a public water line. Mr. Wynn is in receipt of a letter from the Telford Borough Authority, however, indicating they will connect the site, either way, based upon other contributors.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to recommend final plan approval for the Richter Drafting and Supply Land Development, based upon the recommendations of the Planning Commission and outstanding issues, as well as Mr. Wynn's review.

4. Trader's Village - Mr. Wynn advised the Planning Commission has reviewed a preliminary plan submission from Trader's Village. Mr. Wynn had completed a rather lengthy review of his own on December 17, 1990. The plan was submitted to the Township as a Preliminary Plan, however the submission does not conform to the submission requirements of the Preliminary Land Development Plan, does not conform to the requirements of the Zoning Ordinance, and does not conform to portions of the Land Development requirements. Additionally, the fee submitted was insufficient based on the square footage of the building on the site and the Township fee schedule. Since that time, the Zoning Hearing Board met on two separate occasions on a number of zoning issues for Trader's Village, with the applicant withdrawing their appeal at the second Zoning Hearing Board Meeting. Mr. Wynn explained correspondence has also been received from the applicant's engineer indicating the plan was not prepared by their firm and in view of the fact the plan does not meet the Ordinance requirements of the Township, they notified the Township they are not responsible for the preparation of the plan and requested the Township void the application. This Board, according to our own Ordinance, cannot tack on a Preliminary Plan submission until at least 45 days have lapsed or the review by the Bucks County Planning Commission has been received, which we do not have. There is a question as to whether or not the submission has been accepted. At this point, it is Mr. Wynn's understanding that the applicant's attorney would probably be withdrawing the plan formally within the near future. Mr. Wynn stated the Board of Supervisors is not obligated to make a decision today on the merits of the plan and Mr. Wynn would request this Board table any action on the plan pending a hearing by Bucks County Court.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to table the Trader's Village plan at this time.

5. Philadelphia Electric Co. Subdivision - 2 Lot
Philadelphia Electric Co. Subdivision - 5 Lot - Mr.
Wynn advised the Planning Commission has recommended denial of both Philadelphia Electric Company Subdivisions. One is a minor, 2 Lot subdivision for which the Board has received an 60 day extension on December 26, 1990. Mr. Wynn explained this was a plan that the applicant's engineer had indicated he would revise. Approximately three days before the December meeting, Mr. Wynn received a call from the applicant's engineer indicating he had forgotten to submit the revised plans and requested to be placed on the January agenda of the Planning Commission. The revised plans still have not been received as of this date.

The second Philadelphia Electric Company Subdivision is a 5 Lot Subdivision, which originally started as a 7 Lot Subdivision. No new plans have been submitted, nor has any information been received regarding this. Mr. Wynn recommended denial of this particular plan due to lack of activity.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to grant the extension on the 2 Lot Philadelphia Electric Company Subdivision, and to deny the 5 Lot Subdivision for Philadelphia Electric Company.

6. LINENS FOR SIGNATURE: Mr. Wynn stated the Garges Land Development Plan and the Richter Drafting Plan is available for signature following this meeting. Also, requested by the attorney for Showalter, Mr. Jack Hetherington, the Showalter linens need to be re-dated since the applicant did not have the plans recorded within the 90 day time period.

Mr. Wynn explained on December 21, 1990, the Township received DER permit number E09451. This is a permit to construct a box culvert on Steeplebush Drive in Pleasant Meadows, and associated wetlands which must be constructed within a half acre area, to replace those wetlands being destroyed by the box culvert. Acknowledgements must be forwarded to DER within 30 days of date of the permit. With the Board's authorization, Mr. Wynn will send the acknowledgement to DER so that construction on the box culvert can begin. Mr. Wynn stated the reason construction of the box culvert was originally stopped in November of 1986, was a stakeout error which resulted in the box being placed 18 inches lower than it was supposed to be placed. The project was stopped by the Army Corp. of Engineers before it had been resolved internally as to who was responsible for the error, and before arrangements could be made for cranes to come in and raise the box. The project was originally permitted by DER, however those permits were revoked. Mr. Wynn explained

a new permit allows the box to remain 18 inches below it's originally designed level which will result in water being in the box at all times. The permit also includes the removal of the sandbar in the stream to alleviate some of the problems that have been experienced on Hillcrest Road . Since the box culvert does not have to be moved, Chairman Bennett asked if immediate construction could begin on the road. Mr. Wynn replied approval is still needed from the Army Corp. of Engineers, which at this point should just be a matter of paperwork, since it has already been approved by DER. There is a very good possibility construction could begin in the spring of 1991.

G. SOLICITOR'S REPORT - Mr. Frank Grabowski, Township Solicitor
- Mr. Grabowski advised he had nothing to report at this time.

H. 1991 PROPOSED BUDGET:

Chairman Bennett reviewed the 1991 proposed budget using a slide presentation. Chairman Bennett stated the 1991 budget is basically unchanged since the previous meeting on December 10, 1990, and asked if there were any questions or comments from those in attendance pertaining to the 1991 budget.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to approve the 1991 Budget.

I. CORRESPONDENCE:

1. Ms. Buchanan-Gregory advised correspondence has been received from Alderfer and Frank in regards to their Christmas tree collection for composting and recycling. Any residents who wish to make use of this service should contact the office of Alderfer and Frank. They will be accepting trees from December 26, 1990 through January 26, 1991.

2. Ms. Buchanan-Gregory read correspondence to the Board of Supervisors from a resident commending Hilltown Township Public Works Department for completing a driveway drainpipe job.

3. The monthly Fire Department report for the month of November has been received from Perkasio Fire Company, and monthly Fire Department reports have been received for the months of October and November from the Sellersville Fire Company.

J. RESIDENT'S COMMENTS:

1. Mr. Robert Grunmeier of 1811 Bethlehem Pike felt the Board of Supervisors did the right thing by approving the budget. Mr. Grunmeier made comments to the effect that he disagreed with the cost overruns of the new Township Building as being the result of mismanagement.

2. Mr. John Snyder of 2018 Mill Road commended the Hilltown Township Public Works Department for their excellent job in clearing the Township roads during the snowstorm of the past week, unfortunately, he did not feel PennDot did such a good job, particularly on Rt. 152 and Diamond Street. To the best of Mr. Snyder's knowledge, Rt. 152 was never salted, and Diamond Street was plowed once, to approximately a lane and a half wide. Mr. Snyder spent 1 1/2 hours this past Saturday morning, along with Hilltown Police, helping to clear several accidents from this site.

Mr. Snyder's second concern is also with PennDot, regarding Hilltown Pike between Green Street and Chalfont Road. Ditch work is desperately needed at this location to prevent icing on the roadway, which has happened in prior years. Speaking as the Township's insurance agent and representing the liability aspect of it, Mr. Snyder explained there are presently several law suits pending against the Township on State highways. Mr. Snyder suggested the Board of Supervisors draft a letter to PennDot regarding these hazardous conditions.

3. Mr. Phil Begley commented that a lot of money was spent to construct the new Township building, and felt a better sound system was needed for the meeting room, as it is difficult to hear and understand what is being discussed.

K. SUPERVISOR'S COMMENTS:

1. Supervisor Bennington agreed with Mr. Snyder regarding the tremendous job done by the Highway Department. Each man worked 18 hours straight, without breaks, to clear the snow from the roadways. Supervisor Bennington commented he is very dissatisfied with PennDot and their lack of initiative during snow storms, and felt drafting a letter to PennDot as Mr. Snyder suggested, would be an excellent idea.

2. Chairman Bennett announced Supervisor Kelly has been appointed by the Bucks County Commissioners to serve on the Bucks County Park and Recreation Board.

L. PRESS CONFERENCE:

A conference was held to answer questions of those reporters present.

M. ADJOURNMENT: There being no further business, a motion for adjournment was made by Supervisor Bennington, seconded by Supervisor Kelly, and carried unanimously at 11:56AM.

Respectfully submitted,



Lynda Seimes
Assistant Township Secretary
HILLTOWN TOWNSHIP