

**HILLTOWN TOWNSHIP
SUPERVISORS' MEETING
July 27, 1987**

The meeting of the Hilltown Township Board of Supervisors was called to order by Chairman Robert H. Grunmeier at 7:30 P.M.

Members present were: Robert H. Grunmeier, Chairman
Betty J. Kelly, Vice-Chairperson
Vincent Pischl, Supervisor

Others present were: James H. Singley, Twp. Manager
Gloria G. Neiman, Twp. Secretary
C. Robert Wynn, Twp. Engineer
Francis X. Grabowski, Twp. Solicitor
George C. Egly, Chief of Police
Thomas Buzby, Roadmaster

A. APPROVAL OF MINUTES: Motion was made by Mr. Pischl, seconded by Mrs. Kelly and carried unanimously to approve the minutes of the July 13, 1987 Supervisors' meeting as written.

B. ACCOUNTS PAYABLE: Current billing was approved in the following amounts:

July 30, 1987 - \$5,431.21
August 6, 1987 - \$ 735.68

Motion was made by Mrs. Kelly to pay bills when due, motion seconded by Mr. Pischl and carried unanimously.

C. TREASURER'S REPORT: Mr. Singley read the highlights of the report; same is on file at the Township office. Motion was made by Mrs. Kelly to accept the report as given, seconded by Mr. Pischl and carried unanimously.

D. CONFIRMED APPOINTMENTS:

1. Michael Moulds, Spotts Stevens & McCoy for Telford Borough Authority (Act 537) - Mr. Moulds was not present at this time, Chairman Grunmeier proceeded with regular agenda.

2. Robert Valimont, D.P.V. Associates - Mr. Valimont was present to discuss the "Summit Court" subdivision located on Summit Avenue and Reliance Road which is scheduled for a variance appeal before the Zoning Hearing Board on Thursday, July 30th. He explained that this subdivision was before the P.C. last fall as a sketch plan; that Board questioned open space location; applicant proposed to deed it within the lots; P.C. indicated they would not have a problem with that. When plan was submitted before the Supervisors (at their 6/22/87 meeting) the Board advised applicants that the plan did not conform to open space requirements of the H.T. Zoning Ordinance and that they should seek approval from the Zoning Hearing Board. Mr. Valimont requested the Board's assistance in helping them to secure the variance and asked "If we were to have open space, would the Township be looking to accept it in dedication?" Chairman Grunmeier answered that the open space issue (as proposed) is contrary to H.T. zoning. He stated, "We told you to go back to the Z.H.B. and get their input on what they want you to do with open space and if you can use the open space on individual lots. Since I have been on the Board (since 1983), I have never interfered with anything the Z.H.B. does . . . they are a separate entity; they are an independent body; they come up with the decision. If the Supervisors, after that decision is reached (as far as I know) don't agree with it, then we can challenge the Z.H.B. As far as I know, since I have been on the Board, we have not ever challenged the Zoning Hearing Board." In answer to Mr. Valimont's question regarding any favorable comments, Mr. Grunmeier replied, "I, personally would not say anything on it" and asked if the other Supervisors had comments. Mrs. Kelly and Mr. Pischl had no comment.

3. Mr. Jack Hetherington indicated he represents Spin-A-Round, Inc. (rolling skate rink located on Route 309). He explained that he was present to address concerns of his client regarding the Amusement Tax Ordinance passed by the Township in 1985. He indicated that his client bought this property at the time the Supervisors passed this ordinance. Mr. Hetherington requested the Board's direction on procedure to follow to address his client's concerns. Mr. Grunmeier read from Act #511, House Bill #369 (an amendment to the Local Tax Enabling Act, Act 511), which indicates certain exclusions for health & fitness establishments, and reduction of tax rate for bowling alleys; however, Mr. Grunmeier stated that it does not address skating rinks and under the Second Class Township Code, the Township is allowed to impose a 10% tax. Mr. Hetherington questioned that the Township has imposed the maximum allowed tax; he also questioned the time basis of payment of the tax. To clarify Mr. Hetherington's statement regarding litigation involving another establishment, Mr. Grabowski stated, "That didn't involve the amusement tax; that involved a zoning issue which was resolved by way of a court compromise to the satisfaction of the Township." After further discussion, Mr. Grabowski suggested that Mr. Hetherington (on behalf of his client) address his concerns to Mr. Singley, Township Manager, and if they could not be resolved in that way, to go before the Board of Supervisors.

4. Michael Moulds - Mr. Moulds still not present at this time - Chairman Grunmeier continued on with the agenda. (See Item J. Supervisor's Comments - #4).

E. MANAGER'S REPORT: Before continuing with his report, Mr. Singley requested an Executive Session at 7:47 P.M. for discussion of personnel matters. Regular meeting resumed at 8:08 P.M.

1. Old Business

a) Mr. Singley indicated an advertised meeting will be held on Wednesday, July 29, 1987, for discussion of the Quarry. To date those attending are, Representative Wilson (or a representative from his office); representatives of H & K, and representatives of DER. Meeting will be held at the H.T. Municipal Building at 7:30 P.M.

b) Traffic Light at Rt. 313 and Stump Road: Mr. Robert Bender of New Britain Township has indicated that Hilltown Township's responsibility for cost of this light would be 25% of the cost (cost of light estimated at approx. \$40,000 to \$50,000) or between \$10,000 and \$12,500. In answer to Mr. Grunmeier's question, Mr. Singley indicated it is his understanding that they have PennDOT approval. Chairman Grunmeier asked, "On Stump Road and 313, as you approach the intersection going north, there is a steep hill. I would like to know what they are going to do in the winter, if that light is red, and tractor trailer's are coming up that hill. Are they going to put it on a blinker or what are they going to do?" The Board indicated they are basically in favor of this light installation, with some questions.

c) Request received from Madelyn Murphey regarding halting of truck traffic on Church Road. Mr. Wynn explained that this was brought up to the Board some time ago with a request sent to PennDOT because it is a state highway. Chairman Grunmeier stated that he had contacted Rep. Wilson's office who in turn contacted PennDot in regard to maintenance and upgrading of Church Road. PennDOT has advised they intended to resurface the road in 1987 but due to a bridge replacement, they didn't want to repair the road at that time; they now propose to do the repair in 1988. Regarding truck traffic, the Board directed Mr. Singley to contact PennDOT, St. Davids for their input.

2. New Business

a) Light Proposal from P P & L to convert existing mercury vapor street lights in Blooming Glen and on Old Bethlehem Pike in Souderton area to high pressure sodium lights. P P & L has advised payment rate would be the same. Motion was made by Mrs. Kelly to let P P & L pursue the light change-over (in Blooming Glen and Routes 113 and Old 309 area) of 22 high sodium lights as long as the rate is comparable to present cost; motion seconded by Mr. Pischl and carried unanimously.

b) Night Scope - At Chief Egly's request, Mr. Singley asked the Board's permission to advertise for bids for a night scope for the Police Department. Motion was made by Mr. Pischl to approve request for bids advertisement for a night scope for the Police Department to be paid out of Drug Enforcement Agency monies; motion seconded by Mrs. Kelly and carried unanimously.

c) Computer - One bid received from PCS, Inc., Philadelphia, PA for \$26,630.00. Only one bid received; the Board conferred with the Township Solicitor; he advised this is a proper bid. Motion was made by Mrs. Kelly, seconded by Mr. Pischl and carried unanimously to approve the computer bid from PCS of Philadelphia in the amount of \$26,630.00.

d) Cable T.V. - Complaint received from Mr. Wolfrom, Red Wing Road, stating that Suburban Cable T.V. will not wire cable to his house; that he is within 150' of the line and he would have to pay installation of the line. Mr. Wolfrom indicated he was very upset and is seeking the Township's help. An additional complaint has also been received from the Hatfield Mennonite Home advising that Suburban Cable was to install cable at the Home in April and have not yet done so. The Board directed the Township Manager to review the agreement and forward a letter to Suburban Cable voicing these complaints.

e) Deep Run Valley Sports Association, Inc. letter received requesting the Supervisors' attendance and support of a soccer tournament to be held August 2nd to August 9th, hosting a team from England. Chairman Grunmeier stated, "It would be a welcoming gesture to a soccer team under 16 years of age coming from England to participate in the Deep Run Sports Association tournament". Motion was made by Mrs. Kelly to go ahead with welcoming the England soccer team to the Hilltown area at a cost of \$100; motion seconded by Mr. Pischl and carried unanimously.

f) Mr. Singley read correspondence received from Mr. John C. Matter, Jr., County of Bucks, Office of the Fire Marshal, listing building code violations found during a fire safety inspection at 114 East State Street, Blooming Glen. Mr. Matter's letter requested that occupancy permits be denied for any additional uses. The Board directed the Township Zoning Officer and Building Inspector to investigate this situation.

g) Mr. Singley requested the Chief of Police and Sgt. Watts be permitted to attend a Crime Prevention Seminar to be held October 14 to October 16, 1987; and also that the Supervisors make a donation of \$160 to Town Watch to help defray expenses of two Town Watch representatives to attend this convention. Chairman Grunmeier stated that this would be a good idea to promote communication between Town Watch and the Police Department. Motion was made by Mr. Pischl to approve attendance at the Crime Prevention Seminar by Chief Egly, Sgt. Watts, and two Town Watch representatives; motion seconded by Mrs. Kelly and carried unanimously.

F. PLANNING ENGINEERING

1. Phinney/Frost "Country Square" Final Plan: 2 lot minor subdivision located on Hilltown Pike, to be serviced by on-lot wells and sand mound septic systems. Mr. Wynn indicated a wetlands study has been performed; Lot #1 involves wetlands, Lot #2 does not. Mr. Phinney and Mr. Frost were both present. Outstanding items are: (1) Installation of monumentation; (2) Dedication of right-of-way of Hilltown Pike & Dublin Road; (3) Note be placed on plan indicating any building activity of wetlands area require a permit from the U.S. Army Corps of Engineers; and (4) BCHD final approval. Motion was made by Mrs. Kelly to grant final approval to the Phinney/Frost Subdivision located on Dublin Road and Hilltown Pike subject to conditions stated in H.T. Planning Commission minutes of July 20, 1987; motion seconded by Mr. Pischl and carried unanimously.

2. Picard Subdivision Final Plan: Mr. Wynn explained that the preliminary plan was previously before the Board and had received conditional approval. He further explained this subdivision involves creation of one new building lot and swap of ground from previous Picard subdivision. Lot #1 has existing building; Lot #2 would be a new building lot. Property proposes to be served by private water and private sewer. A note has been added to the plan indicating that there is a quarry in operation on Parcel #85 shown on location map. P.C. recommends approval subject to: a) Installation of drainage improvements at corner; b) Repair of pipe on Parcel A; c) Installation of signage; d) Dedication of Broad Street right-of-way; e) Installation of property monumentation; f) New deed be filed for Parcel A; g) Escrow agreement to guarantee installation of public improvements. Motion was made by Mr. Pischl to grant final plan approval to the Picard Subdivision subject to conditions listed in P.C. minutes of July 20, 1987; motion seconded by Mrs. Kelly and carried unanimously.

3. Hager Subdivision - 2 lot subdivision located on Rickert Road. Proposed is subdivision of a 63 acre parcel into two lots, creating one new building lot approx. 2 acres in size; property to be served by sand mounds and private wells. Mr. Wynn explained this subdivision was submitted in October of last year, several extensions were granted due to determination of flood plain along frontage of property; soil tests taken by scientists have determined that there is no flood plain involvement. P.C. recommended approval subject to: a) Installation of driveway as shown on the plan; b) Recommendation that the Board waive the lot depth/width ratio; c) Installation of property monumentation; d) Buffer yard, monumentation, and driveway pipe installation be guaranteed by an escrow agreement; and e) Ultimate right-of-way of Rickert Road be dedicated to Township. Motion was made by Mrs. Kelly, seconded by Mr. Pischl and carried unanimously to grant final approval to the Hager Subdivision subject to conditions stated in P.C. minutes of July 20, 1987.

4. Mr. Wynn indicated that Mr. Al King was present at the P.C. meeting to express his concerns regarding the Nob Hill Subdivision. Mr. Pat Collins was before the P.C. some time ago and was advised to submit plans to the Township; to date, he has not done so. A letter has also been sent to the Perkasio Borough Authority regarding their subdivision on Rt. 152 which also has involvement with Hilltown Township. P.C. has recommended to the Board of Supervisors that legal action be taken to prevent recordation of the PBA and Nob Hill Subdivision plans until plans have been submitted to Hilltown Township for review. The Board questioned why Perkasio Borough has not submitted the plans. In answer to Chairman Grunmeier's question, Mr. Wynn explained location of these properties:

Nob Hill Subdivision has a proposed cul-de-sac street which terminates inside the Perkasio Borough boundary; the rear lots of which have land in Hilltown Township; owner of adjoining property is concerned his land may or may not be cut off unless there are provisions for a roadway. Mr. Wynn further explained that the owner (Mr. King) feels this may be his last chance for access (because plans have not been submitted, P.C. has not been able to review this).

Perkasie Borough Authority (well site on Rt. 152) - boundaries of proposed lot cross into Hilltown Township.

Mr. Grabowski reported that, per the Supervisors' direction at the 7/13/87 meeting, his office sent official notification to Perkasio Borough and the developer; responses received from developer and the Borough Solicitor. The Borough Solicitor indicated that he would recommend that Perkasio file plans with H.T. Mr. Grabowski further indicated that he was present at Perkasio Borough Planning Commission's meeting; an executive work session was held during which this, apparently, was discussed; results made known to the public were that this plan was approved without any conditions (that Mr. Grabowski is aware of). Plan will be presented at Borough Council meeting August 3, 1987. The developer's attorney (in a telephone conversation with Mr. Grabowski) has claimed that there is no land within H.T.

Mr. Grabowski stated that the next step would be to communicate with Perkasio Borough and determine their intentions in the matter; following that Mr. Grabowski suggested the following two alternatives:

- (1). Officially request that the Bucks County Recorder of Deeds not accept plans which do not contain signatures of both municipalities; however, this would not be a mandatory requirement.
- (2). Consider an injunctive action against the developer; however, this would have to include Perkasio Borough. Mr. Grabowski stated, "Since this is a sister municipality, it seems we should be able to discuss this with them . . .". Chairman Grunmeier recommended that our concerns be brought before the Perkasio Borough elected officials so that an amicable understanding could be reached and plans would be submitted.

Mr. Grabowski further indicated that the developer's attorney has stated they would have no problems with submitting plans to the Supervisors; but would not again go before the P.C. After further discussion regarding time limits of the Borough's and Township's meeting and possible meeting dates, Chairman Grunmeier requested that Mr. Grabowski contact Perkasio Borough officials to determine their situation; and, if needed, the H.T. Supervisors could advertise a special meeting (24 hour notice required) prior to the Borough's August 3rd meeting. The Board agreed to this suggestion.

5. Following extensions have been granted:

Ernst Subdivision - 60 days.
Calhoun Subdivision - until 10/13/87.
Summit Court Subdivision - 60 days.
Hilltown Business Center - 60 days.
Pileggi/Wa-Wa Site - 60 days.

Rice Subdivision - Mr. Wynn explained that the P.C. recommended denial unless extension is received (Supervisors' action not required until 8/14/87). Applicant's engineer has indicated that an extension is forthcoming).

G. SOLICITOR'S REPORT:

1. Agreements for signatures:

(a) Hilltown Car Wash Site Development Plan - located on Rt. 113, west of old 309. Insurance certificates have been issued; agreement has been signed & notarized by applicant; escrow funds have been deposited directly with Township in the amount of \$24,300. Motion was made by Mr. Pischl to approve the Hilltown Car Wash Site Development Plan; motion seconded by Mrs. Kelly and carried unanimously.

(b) Hunsburger Subdivision - located on 133 E. State Street. Agreement has been signed and notarized; escrow monies have been deposited directly with Township in amount of \$3,400. Motion was made by Mrs. Kelly to approve the Hunsburger Subdivision agreement, seconded by Mr. Pischl and carried unanimously. Motion was made by Mr. Pischl, seconded by Mrs. Kelly and carried unanimously to adopt Resolution #87-32, Acceptance of Deed of Dedication; and Resolution #87-33, Declaration of Public Purpose for the Hunsburger Subdivision.

2. Community Development Allocation - Chairman Grunmeier requested that Mr. Grabowski draft a resolution regarding allocation method of C.D. funds. Chairman Grunmeier explained that he is a member of the Bucks Co. Office of Community Development Advisory Board and related their concern that a number of municipalities receive very little C.D. funding for their projects. Advisory Board has suggested that to aid municipalities which receive less than \$50,000 in C.D. funding over a 3 year period, a fund be drawn up of \$100,000 per year for 3 year period. Mr. Grunmeier stated, "There is a push by some people to change the basic formula of C.D. funding . . . I would like our Township to go on record as opposing any change in C.D. funding formula and also the Bucks County Township Officials are not in favor of changing it and many officials I have talked to are not in favor of changing it".

Mr. Grabowski gave the following synopsis: The original proposal was to do away with the existing formula and go to a competitive allocation (priority list). He indicated that the basic problem is that Upper Bucks County would always be on the bottom of a priority list. Mr. Grabowski has prepared a Resolution suggesting that Hilltown Township be strongly opposed to the recommendation of the Bucks County Office of Community Development to abolish the 70% guaranteed allocation in favor of a competitive allocation system, beginning with the 1988 C.D. Block Grant Program; and that the Board of Supervisors urge the County Commissioners to retain the existing guaranteed formula system; rather than the competitive system. Motion was made by Mr. Pischl, seconded by Mrs. Kelly and carried unanimously to adopt Resolution No. 87-34 regarding Allocation of C.D. Funds.

3. Mr. Grabowski reported on status of the PWTAs Agreement (original agreement dated 1976) and proposed changes as follows: change in billing system; change in meters; and structure of the organization is to be changed to reflect the "one man, one vote" concept. He explained that there have been five revisions to this agreement; Perkashie Borough Authority has now issued a sixth revision. An informational work session will be scheduled.

4. Mr. Grabowski reported that the Spray Irrigation Ordinance was discussed at the previous Supervisors' Meeting of July 13th and tabled to give the Supervisors an opportunity to review revisions resulting from the work session. Mr. Grabowski made the following recommendation: There are provisions which discuss fencing requirements which require the approval of the Township Engineer; there are also provisions

which discuss maintenance agreement and insurance coverage acceptable to the Township Solicitor -- Mr. Grabowski suggested that, in both cases, this should be acceptable to the Township Board of Supervisors. The Board agreed to this. At Mr. Pischl's suggestion, the Board directed the Township Engineer to come up with appropriate language to address a fail-safe system or an alarm (in the home). Chairman Grunmeier indicated that the \$1,000,000 liability coverage, to his knowledge, is available. Motion was made to advertise for a hearing on the Spray Irrigation Ordinance as corrected at tonight's meeting; motion seconded by Mr. Pischl and carried unanimously. (Hearing date scheduled for Monday, August 24, 1987 at 8:00 P.M. -- See last page, last paragraph of these minutes).

5. Chairman Grunmeier questioned status of Mr. Haberle's and Mr. Liptak's properties. Mr. Grabowski stated that the Township Zoning Officer cited Mr. Liptak and issued a cease and desist order on Friday as a result of complaints received last week. He related the following history on the Liptak property: Township had filed several zoning citations some time ago; the local magistrate found in favor of the Township; Mr. Liptak appealed to County Court; Judge Beister set up a time schedule whereby Mr. Liptak was to accomplish the following items to be in compliance: 1) grading of driveway; 2) concrete pad be constructed; and 3) fencing. To date, Mr. Liptak has failed to comply with all requirements fully. Judge Beister recommended the Township consider filing an injunction against Mr. Liptak; the Board gave authorization to Mr. Grabowski to proceed with filing of petitions to the Court on the Liptak property.

Mr. Grabowski further reported that Mr. Haberle also has not completed items of the compliance order, most notably the fencing requirement around the property. The Board gave authorization to Mr. Grabowski to proceed with filing of petitions to the Court on the Haberle property.

H. PUBLIC COMMENT

1. Jackie Smith, a resident, expressed her concern over the accidents occurring at Rt. 113 and Old Bethlehem Road. Mrs. Smith referred to a letter written to PennDOT by Rep. Paul Clymer requesting their attention to this "dangerous" intersection. She stated, "I am here tonight to re-emphasize that anything we, as citizens, can do to help you (the Supervisors) in your fight with PennDOT to rectify that situation, we will be glad to do it." Chairman Grunmeier read the letter (dated 7/21/87) written by Rep. Clymer to Mr. John Gallagher, PennDOT, in which he recommended that flashing signals be placed on Route 113 and Old Bethlehem Road; also the painting of yellow or white stripes indicating caution. Mr. Grunmeier also indicated that he received a letter from Mr. Philip Meyers, Dublin Fire Company, who also requests that something be done with that intersection. Mr. Grunmeier asked Chief Egly if he had any recommendations; Chief Egly replied, "No, because the stop sign (with everybody going through) can be seen". Mr. Pischl questioned a warning painted on the road; Mr. Wynn replied that was there last year until PennDOT paved over it.

2. Mrs. Elsie Sensinger, Forest Road, asked if a warning "Stop Ahead" sign could be placed at this intersection (Rt. 113 and Old Bethlehem Road). She related that there have been at least seven fatalities at this location; and suggested a "stop ahead" be placed there with blinking lights. Chairman Grunmeier suggested that the Township Manager contact Rep. Wilson, Rep. Clymer and PennDOT officials to arrange an investigation of this intersection; the Board members agreed.

3. Jack Hetherington questioned the Board's commissioning of a water company to conduct a water study in the Village of Hilltown. Chairman Grunmeier explained there was a concern of the P.C. that there was no water in Hilltown Village; in answer to this concern, the Supervisors hired a company to perform a water study.

I. CORRESPONDENCE

1. Invitation from Dublin to Supervisors to attend 75th Anniversary on Labor Day, September 7, 1987.

2. Mr. Singley reported that Deborah Henry, the Township's part-time bookkeeper, has resigned to take a position with Doylestown Hospital as manager of their computer unit. Chairman Grunmeier stated that the Board accepted Mrs. Henry's resignation with regret and asked that the Township Manager draft a letter, thanking Mrs. Henry for her excellent service. Mr. Singley indicated the Township has placed advertisements for another bookkeeper.

J. SUPERVISOR'S COMMENTS

1. Mr. Pischl questioned status of proposals for consultant (for the Planning Commission); Mr. Singley replied they would be going out mid-August.

2. Chairman Grunmeier stated that the Supervisors and other Township personnel would be at the site on Thursday, July 30th at 3:30 P.M. to review traffic proposals on Rt. 113 and Old Route 309 for the Souderton Square Site Development.

3. Chairman Grunmeier requested an Executive Session after tonight's meeting to discuss personnel matters.

4. Mr. Pischl stated that Michael Moulds (who was not present at this meeting) had requested the Supervisors take action on Act 537 Plan revision for the Telford Borough Authority. Mr. Wynn explained that this revision affects residents living on Washington Avenue and Central Avenue for expansion of sewage facilities in each municipality (Telford Borough and Hilltown Township). Motion was made by Mr. Pischl, seconded by Mrs. Kelly and carried unanimously to adopt Resolution No. 87-35, Act 537 Plan revision for TBA.

K. PRESS CONFERENCE: A conference was held to address any questions or concerns of those reporters present (a centralized post office was discussed).

At this time, a hearing date was scheduled for the Spray Irrigation Ordinance -- Monday, August 10, 1987 at 8:00 P.M.

There being no further business, a motion of adjournment was made by Mr. Pischl at 9:25 P.M.

Respectfully submitted,



Gloria G. Neiman
Township Secretary