

**HILLTOWN TOWNSHIP
SUPERVISORS' MEETING
MAY 11, 1987**

The meeting of the Hilltown Township Board of Supervisors was called to order by Chairman, Vincent Pischl, at 7:30 P.M.

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

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

A. APPROVAL OF MINUTES: Meeting of April 27, 1987 - There being no additions or corrections, a motion was made by Mr. Grunmeier to approve the minutes of the 4/27/87 Supervisors' meeting as written; motion seconded by Mrs. Kelly and carried unanimously.

Meeting of May 5, 1987 (Water Ordinance Meeting). The Township Secretary indicated an addition be made to Page 6 of 8, ORDINANCE #4 - SPRAY IRRIGATION ORDINANCE - A comment was made by Mr. John Brennan, a member of the P.C. (comment was made during discussion of Ordinance #3, but referred to the Spray Irrigation Ordinance). "Mr. Brennan indicated that a real concern of the P.C. with the Spray Irrigation Ordinance was the clustering of 3 or 5 lots which are in close proximity." Mr. Grunmeier noted that a clarification be made on Page 2 of 8, Ordinance #87-1 -- Mr. Grunmeier indicated that he voted for this Ordinance and that it was an affirmative vote. There being no further additions or corrections, a motion was made by Mrs. Kelly to approve the minutes of the 5/5/87 meeting as corrected; motion seconded by Mr. Grunmeier and carried unanimously.

B. ACCOUNTS PAYABLE: Current billing in the amount of \$40,737.14 was approved for payment by the Board. Motion was made by Mrs. Kelly to pay bills when due; seconded by Mr. Grunmeier and carried unanimously.

C. TREASURER'S REPORT: The Treasurer's Report (as of May 11, 1987) was read by Mr. Singley; a copy of same is on file at the Township office. Motion was made by Mrs. Kelly to accept the report as given; seconded by Mr. Grunmeier and carried unanimously.

D. CONFIRMED APPOINTMENTS:

1. John Replogle - Mr. Singley read from correspondence received (from Mr. Replogle and Mr. Heinrich) after the last Township meeting. In that letter they stated that the Township is in violation of state law and requested that the Township reconsider their position regarding approval of their subdivision. Mr. Grabowski indicated that the Board of Supervisors have not made a final decision on this subdivision and that their concerns should be addressed to the P.C. The P.C. has indicated that they want all permits in hand before recommending final approval (will not recommend conditional approval); Mr. Replogle and Mr. Heinrich noted their objection to this decision. Mr. Wynn indicated that they are in final approval stage and that most engineering items have been satisfied. Mr. Grabowski advised that HTWSA's decision as to whether sewer construction may begin will be based on the Supervisors' decision tonight. He further noted the following requirements: 1) Sewer service agreement; 2) Escrow agreement; 3) DER sewer construction permit; that HTWSA would like a decision from the Township in order to proceed. Motion was made by Mr. Grunmeier to allow the Replogle Subdivision to construct the sewer line after they have received: an agreement with the Water & Sewer Authority; a DER permit; and an escrow agreement with HTWSA; motion seconded by Mrs. Kelly and carried unanimously

2. Rich O'Neill - Bux Mont: Mr. O'Neill was present with his attorney, Mr. Larry Schwartz, to discuss their site plan application for a proposed trash transfer station on Spur Road. Mr. Schwartz indicated that Mr. John McHugh, Court Reporter was also present to take transcription of expert witnesses who are in attendance at the request of Mr. O'Neill. Chairman Pischl questioned whether a special hearing should be held at another time so that interested residents could have their questions addressed by Bux-Mont. Mr. Schwartz indicated that expert witnesses were brought to answer questions raised in the Township Engineer's review. In answer to Mr. Grunmeier's question regarding time frame, Mr. Wynn answered that his original review was on a plan dated 2/21/87; however, a revised plan was submitted on Friday, 5/8/87 (plan dated 4/29/87) which has not yet been reviewed. Action on previous plan is required no later than 6/7/87. In answer to Mr. Grabowski's question regarding extent of revisions on this plan, Mr. Schwartz indicated that revisions were merely notation of technical items (for clarification) noted in the Township Engineer's review. Mr. Grabowski stated that (on the basis of that answer) the Board stay with the 6/7/87 deadline until Mr. Wynn has had an opportunity to review the newly submitted plans. Chairman Pischl asked for the wish of the Board. Mr. Grunmeier answered, "If it takes 10 to 15 minutes (since he has people here) let him have his say; but I would like to go on record as saying that we should have a separate public hearing.... dealing with this issue only". Mr. Schwartz asked if it is a normal Township procedure to have a separate public hearing on land development approvals. Mr. Grunmeier replied, "we owe it to the residents of this Township to have their input on anything of this magnitude". Mr. Schwartz agreed to Mr. Grabowski's request to supply the Township with copies of the court stenographer's transcript. He further recommended that a public hearing be held and explained to Mr. Schwartz that tonight's meeting agenda is very long. Mr. Schwartz again requested a hearing at this meeting due to presence of witnesses. Mr. Grunmeier stated, "I think you are going to have a lot more people here if you have a public hearing and deal with that subject only". Mr. Schwartz then indicated that his application has been delayed for some time due to cancelled meetings, etc (Mr. Singley explained Bux-Mont's choice for the May 11th meeting -- the 1st meeting of April was cancelled due to the Pittsburgh convention and the second meeting involved student participation day). In answer to Mr. Grunmeier's question regarding the DER permit, Mr. Wynn indicated a notification was received from DER dated 4/21/87 in which they state that the permit was issued to Mr. Smith at that time. Further, a review has been received from PennDOT in which they question right turns, traffic impact, and sight distances.

After further discussion, Chairman Pischl announced that a public hearing would be advertised for Wednesday, May 20, 1987 at 7:30 P.M. in the Township Building (Mr. Grabowski indicated that this meeting should be advertised 24 hrs. in advance).

At this time Mr. Wynn indicated that, in accordance with the DER permit, the Township has only thirty (30) days from notification dated 4/21/87 to file a Notice of Appeal of the issuance of the municipal waste permit. He further explained that if the Township is going to appeal to the Environmental Hearing Board, it must be done within this time period. Mr. Wynn suggested that the Township Solicitor inquire whether the Township could extend the appeal period beyond that date. Mr. Grunmeier further suggested that the solicitor inform DER that the Township is going to hold a hearing. Mr. Grabowski agreed that this could be done but that the applicant would also have a say as to whether there would be an extended period of time to file the appeal. He further suggested that, if the Township intends to appeal to the Environmental Hearing Board, it should be done before 5/20/87.

Motion was made by Mr. Grunmeier to file an appeal with DER pertaining to the Bux-Mont Trash Transfer Station permit to be appealed before the Environmental Hearing Board; motion seconded by Mrs. Kelly. At this time, Mr. Schwartz objected to this motion. Mr. Grunmeier indicated that this motion was made due to time constraints and stated, "Putting in a business like this, which is a controversial business ..., that you would want the input from the residents so that you (could) satisfy their inquiries and lay it out to them in black and white, what a transfer station is" Chairman Pischl called for a vote; motion passed unanimously.

E. TOWNSHIP MANAGER'S REPORT:

1. Old Business:

(a) Bookkeeper's Position - Mr. Singley indicated that the Bookkeeper's (part-time) position has been readvertised -- 3 applications have been received and interviews will be conducted. When asked by Mr. Grunmeier for a time frame and additional office help, Mr. Singley replied hiring should take place by the end of the month and that he is looking into temporary help.

(b) Fire Loans - Mr. Singley indicated that he spoke with Mr. Ernest Klee, Vice President of Union National Bank, regarding refinance of the fire loans. Mr. Klee has stated he will have the paperwork forwarded to the Township in time for the next meeting.

(c) Demolition Fee Proposal - Regarding the fee proposal submitted by Lance Arbor, Building Inspector, Mr. Grabowski stated that it is in order from a legal standpoint. Mr. Grunmeier indicated that 400 s.f. would be a more reasonable size and that the fee should be: \$25 for residential and \$50 for commercial. He further stated that, if a commercial building burns down there would be a track record of where the material is being taken. There was discussion regarding the size of an average garage and Mr. Grunmeier then indicated that perhaps 500 s.f. would be a better size. Due to several questions posed by the Board, Chairman Pischl indicated that this proposal would be tabled for discussion until the next Supervisors' meeting.

d) Adventure Park Update - Mr. Singley indicated that the Township is waiting to go before the Magistrate's Court regarding citations liened against Adventure Park for unpaid amusement taxes.

e) Neshaminy Water Shed - Mr. Singley indicated that appointments were tabled from the last meeting: Appointment by Supervisors of a representative and an alternate to represent Hilltown Township at the Neshaminy Water Shed Study; first meeting 5/21/87. The Board agreed to request a member of HTWSA as representative and a member of the P.C. as the alternate.

f) Fuel Oil Bids - Mr. Singley read a memo he sent to the Supervisors regarding his recommendation that the Supervisors rescind action taken at the 4/27/87 meeting regarding award of fuel oil and gasoline to Farm & Home, and his recommendation that the following contracts be awarded: (1) TFCO, Inc. - Regular Unleaded and Super Unleaded gasoline;

(2) J.C. Heating - Diesel Fuel and #2 Heating Oil;
(3) Agway - Propane (Township would have to supply tanks). Mr. William Bennett questioned the reason for rescinding the bids. Mr. Singley answered that the fuel oil was bid through Bucks County Consortium and that the bids were misinterpreted; the difference in Consortium bids compared with Farm & Home prices were greater than originally stated. In answer to Mr. Bennett's remarks regarding dealing with local business, Mr. Singley agreed, however, he answered that the Second Class Township Code specifies purchase regulations which must be adhered to (when exceeding \$4,000) and that the Township could be held liable if they do not abide by these regulations.

Motion was made by Mr. Grunmeier to rescind the previous motion of the Board of Supervisors meeting of 4/27/87 (to rescind all fuel oil and gasoline bids as ratified in minutes of that meeting under Item 2F, Page 3); motion was seconded by Mrs. Kelly and carried unanimously. Motion was made by Mr. Grunmeier to award the bid for regular unleaded and super unleaded gasoline to TFCO, Inc.; motion seconded by Mrs. Kelly and carried unanimously. Motion was made by Mr. Grunmeier to award the bid of diesel fuel and #2 heating oil to J.C. Heating (diesel = \$.572, and heating oil = \$.562); motion seconded by Mrs. Kelly and carried unanimously. Regarding propane, Mr. Grunmeier requested cost of tanks and made a motion to table the Agway proposal until the next meeting; motion seconded by Mrs. Kelly and carried unanimously.

(g) Quarry Update - Mr. Singley read from a memo sent to the Supervisors dated 5/11/87 in which he explained: that DER has been requested to conduct monitoring of the H & K Quarry; that letters have been sent to Rep. Wilson, Sen. Greenwood, Chairman of Mining, Chairman of Health & Welfare, and Secretary of DER; that the zoning officer and police department have been requested to make site checks; that a meeting has been requested between H & K officials and Hilltown Township officials; that agreements with H & K have been reviewed; and that the Township building has been reserved by citizens on 5/14/87 for their discussion of the quarry.

(h) County Line Road/Valley Vista - PennDOT has advised that they will not install flashing lights or lower the speed limit to 25 mph. Souderton Borough has asked if the Township would consider sharing the cost of highlighting the pedestrian crossing. Chairman Pischl was present at their meeting and indicated that PennDOT recommended the residents obtain paratransit from Montgomery County. Residents still requested the pedestrian crossing and, therefore, Souderton has asked if Hilltown will share the cost. Chairman Pischl indicated that cost of signs and striping would be nominal. Motion was made by Mr. Grunmeier to go 50-50 on the signs and repainting of County Line Road in front of the Valley Vista complex in conjunction with Souderton Borough; motion seconded by Mrs. Kelly and carried unanimously.

(i) Audit Report - Mr. Singley indicated, in his memo to the Supervisors of 5/11/87, that he has clarified errors and omissions listed in the Auditors' Report of 4/27/87. Copies of his memo were sent to the Township Auditors.

2. New Business:

(a) Silverdale Borough has requested that they be included in Hilltown Township's bid for road materials -- for tar and chipping of Green Street this year, and skin patching now and in future years to be taken over by Hilltown Township. Mr. Tom Buzby, Roadmaster, suggested since Hilltown Township's portion of Green Street will be done in 1988, that Silverdale wait until that time. Mr. Buzby further indicated that the Township road crew could do the skin patching and that Silverdale could be charged on a time and material basis plus administrative costs. Mr. Grabowski indicated that there is a housing development proposed for Green Street within Silverdale Borough, with work proposed to start the fall of '87. Mr. Buzby indicated he would look into this. Motion was made by Mr. Grunmeier to allow the Roadmaster and Township Manager to enter into an agreement with Silverdale Borough on time and materials + administrative costs to skin patch Silverdale Borough's portion of Green Street; motion seconded by Mrs. Kelly and carried unanimously.

(b) Solid Waste Request/Resolution - request received from Pennridge/Quakertown Wastewater Committee for \$200 appropriation for public awareness of the planning activities of the Committee. Mrs. Kelly stated that each municipality is going to place \$200 in the "kitty" for municipal ads, brochures, stamps, etc. Motion was made by Mrs. Kelly to adopt Resolution #87-17, donating \$200 to the Pennridge/Quakerton Solid Waste Committee; motion seconded by Mr. Grunmeier and carried unanimously.

(c) Mutual Aid Agreement - (received from the Emergency Management Agency of County of Bucks - Mr. Singley explained that this is an agreement between the municipalities within Bucks County as part of the PA Emergency Management Act. Bucks County will act as a clearing house for mutual aid in the event of disaster. Motion was made by Mr. Grunmeier to adopt Resolution #87-18; seconded by Mrs. Kelly and carried unanimously.

(d) Zoning Report submitted by Clarence J. Myers was read by Mr. Singley and is on file at the Township office. Mr. Myers has also forwarded a memo to the Supervisors regarding the Carter property (PennDOT lot) on Hilltown Pike. Mrs. Carter's daughter has requested that the Township withdraw the citation and fine (\$325.00). The Board indicated that this citation should be pursued.

(e) Memorial Day Meeting - Mr. Singley suggested that, due to matters being brought before the Board, the Supervisors may wish to consider rescheduling of the 5/25/87 meeting which was cancelled due to the holiday. The Board agreed to schedule a meeting for Tuesday, 5/26/87 at 7:30 P.M. which will be advertised in the local newspaper.

F. POLICE REPORT - Chief Egly read the report dated April 1987 which is on file at the Township office.

G. ROADMASTER'S REPORT - Mr. Buzby read the report dated 3/1 to 4/25/87 which is on file at the Township office. Mr. Buzby further indicated that the new truck is now in service. Mr. Grunmeier asked if the driveway sign was placed at the Skate Ranch on Rt. 309. Mr. Buzby indicated that the sign would not be received until bids are out. Mr. Grunmeier questioned that PennDOT has advised the sign should read "driveway" only; Mr. Grunmeier requests that the sign read "hidden driveway", Tom Buzby concurred with this but indicated that it would be a special order. The Board advised Mr. Buzby to look into purchase of a "hidden driveway" sign.

8:45 P.M. - Chairman Pischl called for a recess.

9:00 P.M. - Meeting resumed.

H. ENGINEER'S REPORT:

1. Mr. Phinney was present to discuss his proposed 8-lot subdivision on Route 152. Mr. Frost indicated that agreements have been reviewed and that Doylestown Savings Savings & Loan has agreed to an escrow agreement. Mr. Wynn advised that the plans are in order and that final approval has been made by agreement of the Court. Plan requires signatures of the P.C. and Supervisors. Chairman Pischl suggested that plans be sent to the P.C. for their signatures at their 5/18/87 meeting and to the Supervisors at their special meeting of 5/20/87. Mr. Paul Myers of Sanford Alderfer Real Estate asked Mr. Frost if delayed until 5/20/87 would there be sufficient time to record the plans and have title work completed. He answered that settlement could be made later that week as long as documentation is available proving Township has approved the plan. Mr. Myers also asked if all lot lines are permanent, could a legal description be made so that title work could be accomplished -- Mr. Grabowski answered affirmatively.

2. Mr. Wynn indicated that a 90 day extension has been received from Joseph Pileggi for the Pileggi/WaWa Site on Route 113 and 313. Mr. Pileggi's engineer had indicated he would grant an extension upon receipt of the P.C. minutes (which were sent to him by the Township Secretary). Motion was made by Mr. Grunmeier to accept the 90 day extension for the WaWa/Pileggi site plan; motion seconded by Mrs. Kelly and carried unanimously.

3. Border Subdivisions - Mr. Wynn reported that the Collins' subdivision has not yet made application to Hilltown Township (plan proposes lot line changes in Hilltown Township); this development received preliminary approval from Perkasio Borough.

Gerald Souder Subdivision - Mr. Wynn reported a letter has been received from Edmund Mullen advising that this subdivision does not have any lot line changes within Hilltown Township.

Hazett Subdivision - Also indicated they had no lot line changes in Hilltown Township (applicant indicated they would submit a copy of the plan to the Township Secretary).

4. Water Ordinances - Mr. Wynn submitted a draft of a permit application modeled after New Britain Township's application and well permit. He indicated that the permit fee must cover municipal costs of inspection of the pump test and taking of the water samples. Mr. Grabowski suggested that Warrington Township may have information regarding charges. Mr. Grunmeier suggested an interim fee of \$100 be instituted at this time which could be adjusted at a later time, depending on actual cost of inspection, etc. Motion was made by Mr. Grunmeier to institute a \$100 permit charge for application to drill a well in Hilltown Township; motion seconded by Mrs. Kelly and carried unanimously. Regarding who would be responsible for initiating application process and inspection of the pump test, the concensus of the Board was that the Zoning Officer should handle the applications and the Building Inspector be involved in on-site inspections.

I. SOLICITOR'S REPORT:

Bernyce & Sadie Grass - Motion was made by Mr. Grunmeier to adopt Resolution #87-19 (an agreement in the amount of \$5,175 to be held in escrow for installation of street trees and monumentation for the Grass Subdivision; motion seconded by Mrs. Kelly and carried unanimously.

J. PUBLIC COMMENT:

1. Jay Poggi asked how the new Township Building would be financed. Mr. Grabowski answered that the Township entered into an agreement with HTWSA last year where the Water & Sewer Authority floated a bond issue whereby approximately 1.2½ million dollars was allotted for construction of a new township building; he further indicated that those funds financed are in interest bearing certificates.

2. Jack Fox questioned the delay in enacting the spray irrigation ordinance. He indicated that the newspaper stated there were only 2 municipalities in Upper Bucks with spray irrigation system; Mr. Fox stated, that the P.C. had 5 other spray irrigation ordinances which they referred to. He stated that there are currently 2 approved spray irrigation systems in the Township: Pearl Buck and another on Red Wing Road; Mr. Grunmeier also indicated that there is another system - Baker on Rt. 313. Mr. Fox stated that this ordinance would protect the citizens from someone with a system that is not working.....that the P.C. is asking for safety features; that they are not trying to stop the systems. He further questioned why a resolution was proposed rather than an ordinance. Chairman Pischl answered, "I can only speak for myself..... at the time the ordinance was advertised, I made the statement that even though it may not be perfect, it may not control what we want it control, it's a start in the right direction". Mr. Pischl stated that it was tabled at the last meeting since there was no vote to adopt it or reject it. Mr. Fox asked why it could not be voted on tonight, stating that he knows of no laws restricting the vote. Mr. Grabowski that the Second Class Township Code and PA Sunshine Law requires that when ordinances are to be considered, they have to be advertised for a specific time and place. Mr. Fox then asked why the Supervisors would not vote on the ordinance; Chairman Pischl answered that he was in favor of adopting it; but that there must be majority rule. At this time, Mrs. Kelly indicated that she had many questions and concerns on this ordinance; she stated, "When I vote on something, I am voting for the good of the Township and I want to know what I am talking about." Mr. Grunmeier indicated that the ordinance was tabled so that the Supervisors could get together and discuss it. Mr. Poggi indicated he approved of the Supervisors decision to table this and asked for clarification of the spray irrigation systems; Mr. Wynn explained the process to him. Mr. Grabowski indicated spray irrigation systems are regulated by DER; Mr. John Brennan stated they are not regulated by DER. Mr. Poggi asked why, if DER inspects the system, should the Township pay to have inspections made. Mr. Grunmeier stated that West Rockhill Township has a system at their municipal building and anyone interested could observe that system.

2. Frank Scholl (a resident) commended the Supervisors on their handling of the Bux-Mont situation. He questioned whether the Township would appeal the DER permit. The Supervisors indicated that they gave the Township Solicitor permission to appeal. Mr. Grabowski explained that the Township would file an appeal before the Environmental Hearing Board. Mr. Wynn commented that this plan was denied by the Township in the fall of last year; a letter was sent to Hilltown Township (dated November 5th); Township sent notification to DER on November 11 containing three pages of non-compliance with local regulations; the Township never received a response.

3. Mrs. Frank Scholl indicated that she requested an appointment with Bux-Mont to obtain information regarding the DER listing of violations on various trash transfer stations; the earliest appointment she could get was 5/22/87. She asked if there was any way to appeal to them to request the information sooner than 5/22; Mr. Grabowski suggested she contact a state senator or state representative. Mr. Grunmeier suggested she contact Senator Greenwood.

Mr. Grabowski advised the residents that even though Bux-Mont may have a court stenographer present at the 5/20 hearing, the residents should not allow that to intimidate those who have something to say. He also indicated that he would appreciate receiving any information which would aid in the appeal.

K. CORRESPONDENCE:

1. Fire Reports received from Silverdale, Dublin, and Line Lexington.

2. Correspondence received from Representative Wilson in which he advises he will consider support of House Bill 333 regarding frivolous law suits...currently in the House Health & Welfare Committee.

L. SUPERVISOR'S COMMENTS:

1. Chairman Pischl reminded everyone that this Saturday, May 16, 1987, there will be an open house from 12:00 to 3:00 P.M. Police, road crew and office personnel and Supervisors will be present. Refreshments will be served.

2. Mr. Grunmeier questioned status of the Emergency Management Plan. Mr. Singley answered that it is in the process of being completed -- possibly by the first meeting in June.

3. Mr. Grunmeier questioned status of the Water Study. Mr. Singley indicated that a response has not been received from Cowan Associates in regard to the proposal.

4. Mr. John Brennan questioned what the Emergency Management Plan encompasses. Mr. Singley answered that all emergency personnel information is compiled for any type of disaster which would occur within the Township, and that the Coordinator would delegate all personnel and information in case of disaster. Mr. John Snyder, President of Line Lexington Fire Company, indicated that in the recent fire at the Danish Fair, if the fire company had deemed it necessary to evacuate the Mennonite Home, they would have had no authority to do so.

5. Mr. Grunmeier questioned status of light at Loux's Corner. Mr. Singley indicated that Jack Cauley investigate the area last week and will advise.

6. Chief Egly announced that Police Memorial Day is Friday, May 16, 1987. Final services will be held at the Courthouse in Doylestown at 12:00 Noon.

M. PRESS CONFERENCE: A conference was held to answer any questions or concerns of those reporters present.

There being no further business, a motion of adjournment was made by Mr. Grunmeier at 9:50 P.M.

Respectfully submitted,



Gloria G. Neiman
Township Secretary