

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, December 23, 1996
7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr. at 7:37PM and opened with the Pledge of Allegiance.

Also present were: Kenneth B. Bennington, Vice-Chairman
Jack C. Fox, Supervisor
Bruce G. Horrocks, Township Manager
C. Robert Wynn, Township Engineer
Francis X. Grabowski, Township Solicitor
George C. Egly, Chief of Police
Lynda Seimes, Township Secretary

On behalf of the Board of Supervisors, Chairman Bennett wished everyone a Merry Christmas and a prosperous New Year.

Chairman Bennett read a proclamation honoring Mr. Peter Darde, Jr. for fifty years of service with the Hilltown Township Volunteer Fire Company. Mr. Darde accepted a plaque from the Board of Supervisors.

A. APPROVAL OF MINUTES: Action on the minutes of the November 25, 1996 Board of Supervisors Meeting: Motion was made by Supervisor Fox, and seconded by Chairman Bennett to approve the minutes of the November 25, 1996 meeting, as written. Supervisor Bennington abstained from the vote because he was not present at that meeting.

Action on the minutes of the December 9, 1996 Board of Supervisors Worksession Meeting: Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the December 9, 1996 Worksession Meeting, as written.

B. APPROVAL OF CURRENT BILLING: Chairman Bennett presented the Bills List dated December 24, 1996 with General Fund payments in the amount of \$51,294.11, State Highway Aid payments in the amount of \$2,197.32, and Escrow Fund payments in the amount of \$8,000.00, for a grand total of all funds in the amount of \$61,491.43.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List dated December 24, 1996, subject to audit.

C. RESIDENT'S COMMENTS ON CONFIRMED APPOINTMENTS ONLY: None.

D. CONFIRMED APPOINTMENTS:

1. Mr. James Groff - Water Tank - Mr. Groff, manager of the Hilltown Township Water and Sewer Authority, thanked the Board of

Supervisors for attending the last Authority meeting, which he felt was both constructive and informative for all parties concerned. Mr. Groff explained the Authority has relinquished the Bush property, the paperwork has been executed and filed. Mr. Groff had provided a written report completed by the Authority engineer which now provides only two sites for consideration, including the site behind the park and the Gliderport property. Mr. Groff has had preliminary discussions with the president of the Gliderport, Mr. Louis Fitzpatrick. Mr. Groff reminded the Board that Mr. Fitzpatrick can not move forward with discussions until he receives direction and authorization from the entire Gliderport membership.

With respect to the park site, Mr. Groff stated there are three concerns of the Authority:

1. The opposition for its use as a water storage tank site.
2. A need for a zoning change for the second and third proposal for a variance in the setbacks for sites #2 and #3.
3. The type and quantity of fill in the site located directly behind the tennis courts, which is a depression at present. The area in question presently contains unknown fill matter.

Chairman Bennett was very impressed with the very thorough report provided by the Authority since the joint meeting was held.

It has come to Supervisor Fox's attention that a quarry had existed on the site next to the Musselman Log Barn at one time. Supervisor Fox is concerned about the amount, type and depth of fill. This site would require total excavation, and would then have to be filled with cement or concrete. Supervisor Fox believes these issues would preclude use of that site. At the time of original discussion concerning the park site, Chairman Bennett was not aware that there was a quarry or dump on the site.

Supervisor Bennington heard rumors that the Authority may be condemning the Gliderport property. Mr. Fitzpatrick has also heard rumors that condemnation proceedings would be initiated this evening, which is the main reason for his attendance. Supervisor Bennington asked who Mr. Fitzpatrick heard this rumor from. Mr. Fitzpatrick heard these rumors from the Gliderport's caretaker, Mr. Dave Bradley. Mr. Bradley was also present, however he does not recall who provided this information. Mr. Fitzpatrick's primary concern is to ensure that the Gliderport does not inherit the Township's political problems. Supervisor Bennington felt that was a very fair statement. Mr. Fitzpatrick assured the Supervisors that the Gliderport membership will continue to negotiate with the Authority in good faith. Supervisor Bennington stated that he personally has never discussed, nor will he ever discuss,

condemning the Gliderport property. Supervisor Bennington encouraged the Gliderport to continue with negotiations with the Authority for a fair purchase price for their property.

Supervisor Fox stated his first choice of a site was the fire company property. He did, however, determine that there is more than one runway over the fire company property, which he believes would preclude use of that site. The Gliderport site would provide complete coverage and would be less intrusive during the summer months because of the existing wooded area. The trees are approximately 70+ ft. tall and the site would be closer to the main road. That site would also require less waterline to run down the hill and would be more cost effective to the Authority. Supervisor Fox favors the second site on the Gliderport property, located in the middle of the woods, not the site located near the hangars. Mr. Groff noted this is also the site the Authority prefers.

Chairman Bennett agreed with Supervisor Bennington that at no time has discussion taken place concerning eminent domain of the Gliderport property. Further, the Bush property in Hilltown Village which had previously been considered by the Authority did not begin as an eminent domain situation. It was a property that was publicly on the market. In speaking for the Supervisors and for the Authority, Chairman Bennett noted no property has been condemned during the nine years he has been a Supervisor. Further, it is not the Township's intent to use condemnation proceedings in any situation. In the next few years, the Township will be attempting to acquire open space, and Chairman Bennett does not believe it will ever get to the point where it has to be done by eminent domain proceedings. If for some reason the Gliderport membership is not agreeable to a settlement on this particular parcel, Mr. Fitzgerald asked if it would be the Township's intent to proceed with eminent domain, and at what point that would occur. Chairman Bennett replied it is not the Township's intention at this time, it has not been discussed, and it is certainly not his personal feeling that eminent domain proceedings would occur. Chairman Bennett encouraged the Authority to negotiate in good faith with the Gliderport membership. Personally, Chairman Bennett is pleased with the Gliderport's use of the site because it is much more preferable than a sprawling development tract in that area. Mr. Groff advised the Authority has never discussed any condemnation proceedings with regard to the Gliderport. Supervisor Fox commented it is not the Board's intention at this time to condemn that property. Supervisor Bennington stated that he will not vote to condemn the Gliderport property.

Mr. Groff suggested that members of the Authority make an honest attempt to educate the Gliderport membership as to why the water tank proposal is necessary and how the community will benefit and be served.

2. Mrs. Alice Kachline - Water Tank - Mrs. Kachline has lived in Hilltown Township and been involved in the Civic Association for forty years. At that time, there was no zoning in Hilltown Township, and the Civic Association was the driving force to adopt zoning as an effort to preserve the rural atmosphere. With the dwindling active membership of the Civic Association over the years, it became evident to Mrs. Kachline that they would not be able to develop the Civic Field into any type of functional park to serve the community. It took some members of the Civic Association 15 years to convince their membership to donate the field to the Township so that it could be developed into the beautiful park that it has become today. In addition, there is the historic Musselman Barn located in the rear corner of the park site. Further, a Township resident has volunteered to plant Oriental shrubs in the swampy area of the site. Mrs. Kachline is very proud each time she passes the park and views it as a jewel in the center of the Township. It is beyond Mrs. Kachline's comprehension to think that anyone would even consider placing a large, ugly water tank on such a beautiful site.

Mrs. Kachline is not certain that the water tank is needed, however, if it is, she does not believe water tanks are aesthetically pleasing. Mrs. Kachline sympathizes with the Authority for being frustrated, since they were first directed by the Board of Supervisors to move forward with plans for the site at the Civic Field Park, then they were directed to seek other sites. Mrs. Kachline does not believe the Authority should have been directed to research the Civic Field as a viable site in the first place. Hilltown Township consists of 27 square miles of area, and Mrs. Kachline can not understand why the focus for this water tank always comes back to the park site.

As far as the offer by the Authority to construct a parking lot near the tennis court areas, it is Mrs. Kachline's understanding that the Authority would require an access to the tank anyway. If users of the tennis courts can not walk from the main parking lot to the tennis courts, Mrs. Kachline feels they should not be playing tennis. With regard to the addition of lights at the park, it is Mrs. Kachline's understanding that Kevin Carney had previously donated lights for use at the park.

Mrs. Kachline personally feels the best site to construct the water tank is behind the fire company substation, where it would be less intrusive, and would also monetarily benefit the fire company. However, she does understand that the tank will not be proposed on the site because it would interfere with the main runway of the Gliderport. Yet since the Gliderport owns 118 acres, Mrs. Kachline feels the runway could be re-routed to accommodate this proposal. There is also the site on the Gliderport property in the wooded area, which would be less intrusive and would provide revenue for

the Gliderport. Mrs. Kachline suggested the municipal building site also be considered. Being Township-owned, the municipality could realize the money they were hoping for when considering the park site.

Mrs. Kachline noted both the Park and Recreation Board and the Planning Commission recommended against allowing the water tank to be constructed on the park site. Mrs. Kachline asked the Board when, if ever, the Supervisors ruled against a Planning Commission recommendation. If the water tank is constructed at the park, that is exactly what they will be doing. Mrs. Kachline feels the present Board is one of the best Board of Supervisors that Hilltown Township has ever had. Even though she may not always agree with their decisions, Mrs. Kachline feels all three members are honest and have the best interest of the Township at heart. Mrs. Kachline hopes that after this meeting, she still feels the same way. If a water tank is needed, Mrs. Kachline implored the Supervisors not to allow it to be constructed on the Civic Field Park.

In response to Mrs. Kachline's question, Mr. Horrocks replied that the Board of Supervisors, since he has been employed by the Township, has overturned Planning Commission recommendations, though it does not occur often. Mr. Horrocks advised the Planning Commission, as well as the Park and Recreation Board are merely recommending bodies to the Board of Supervisors. Chairman Bennett feels it is safe to say the Board of Supervisors approve recommendations from both the Park and Recreation Board and the Planning Commission approximately 95% to 98% of the time.

Mr. Hayes Ramsey requested a moment to speak to the Board regarding the water tank issue. Chairman Bennett stated residents would have the opportunity to address this matter during the "Resident's Comments" section of the agenda. Mr. John Bolger asked why "Resident's Comments on Confirmed Appointments Only" is listed before "Confirmed Appointments" on the agenda. Mr. Bolger can not understand how a resident could possibly comment on an issue that hadn't yet been discussed. Chairman Bennett replied there is a "Resident's Comments" section later in the agenda, and noted no votes have been taken on this issue. Mr. Bolger assumed there had been a typographical error on the agenda. Chairman Bennett explained there had been no error, stating the agenda has followed this procedure for approximately five years. Supervisor Bennington assured Mr. Bolger that agenda procedure will be corrected at the January 6, 1997 Reorganization Meeting.

3. Mr. Steve McKenna - Telegraph Road Bridge Request - Mr. McKenna, president of Mignatti Ventures, developer of the Country Roads Subdivision, was in attendance to make a request of the Board of Supervisors. Mr. McKenna explained there is a condition in the Development Agreement for Phase III (which includes Phases III and

IV) of the project, which requires completion of the Telegraph Road bridge prior to issuance of the 33rd building permit. Phase III improvements began in July of 1996, and at that time, it was discovered that the bridge design was inadequate due to the snow storms of last year, and the rain storms of this year. Mr. McKenna explained the water was to continue running under the bridge while work continued, with sandbagging around the abutments of the bridge. With the numerous floods during the spring and summer months of this year, Mr. McKenna advised the bridge was re-designed to divert the stream around the bridge so that water beneath the bridge could be pumped out. This work has since been completed. Both the D.E.P. and the Bucks County Conservation District reviewed the re-design of the project. A temporary construction easement had to be obtained from an adjoining landowner who was reluctant to grant that easement. All these factors caused a delay in continuation of the project.

Construction began in earnest at the end of November or the beginning of December, however there was another significant flood that demolished an existing barrier. At present, the decking of the bridge has been removed, one of the abutment walls has been removed, and the diversion channel has been installed. Mr. McKenna realizes that time is of the essence, and knows it was a concern of the Supervisors when this condition was incorporated into the original Development Agreement. Mr. McKenna also knows that the Supervisors cooperated with him by revising the condition of bridge completion from the second phase to the third phase several years ago.

Mr. McKenna stated there is a need for building permits prior to the completion of the Telegraph Road bridge. Mr. McKenna contacted a large asphalt producer in the area, who advised they will only produce asphalt until mid-January of 1997, since asphalt is weather sensitive. Once the asphalt plant closes for the season, the developer will be unable to pave the road until spring of 1997. There have been great sales within this phase of the Country Roads development up to this point, and Mr. McKenna would like to proceed with the issuance of up to 40 building permits, rather than the 33 permits as approved, which would satisfy the sales the developer has in hand at present. Mr. McKenna is requesting that the Board of Supervisors allow the developer to draw building permits until May 15, 1997 so that sales can continue. Mr. McKenna does not feel the Township would be at risk in any way since the bridge is 100% funded within the Development Agreements, with 100% of the costs of the bridge construction escrowed until work is complete.

Chairman Bennett asked why the developer continues to sell contracts in view of the completion dates of the bridge, which have not been honored. Mr. McKenna replied the settlement dates are being held out such that the bridge would actually be complete

prior to settlements. The developer has not promised any settlements before June of 1997. Mr. McKenna would like to continue with sales and does not know what benefit there would be to delay the developer until the bridge work is complete.

Supervisor Fox commented the Township has extended and made revisions to the original plan and Development Agreement for Country Roads several times in the past. Had the original contract been followed, he believes the bridge would be completed at present. Supervisor Fox stated the Township received numerous complaints from residents unable to utilize Telegraph Road. Supervisor Fox noted Telegraph Road is an extremely important road to bypass Callowhill Road when traveling from Perkasio, and feels the closing of the road has created an extreme hardship for the residents of Hilltown Township. It is Supervisor Fox's belief that the Supervisors have been very fair with Mignatti Ventures in the past. When this subdivision was in the planning stages, the developer made a proposal to the Township to install a small park, including a ball field, a tot lot, and a walking trail along the creek. Supervisor Fox asked what type of recreational facilities the developer provided for its citizens. Mr. McKenna replied wood chipped walking trails have been installed throughout the development, and the area has been left as a passive nature preserve containing bird houses. The trails begin at the main entrance near Rt. 152 and winds through the area near the creek. This area is owned and governed by the homeowner's association. Supervisor Fox suggested construction of an asphalt bike trail/walking trail (as originally proposed by the developer) along the stream, with the Township given an easement to connect with other trails that may be developed in the area. If this were to occur, Supervisor Fox would agree to allow issuance of more building permits. Mr. McKenna did not agree to this suggestion, stating that if asphalt trails were to be constructed, it should have been done in the planning stages since there are wetland issues involved and the homeowner's association to be addressed. Mr. McKenna commented all of the present homeowners bought into this development based upon the way it has been sold as a passive open space area, and he does not feel he has the right to make a decision on their behalf. Further, Mr. McKenna noted the proposal would be a considerable expense due to the environmentally sensitive area along the stream.

Supervisor Bennington advised the Telegraph Road detour began on August 12, 1996. Supervisor Bennington stated his relationship with Mr. McKenna has always been very antagonistic because the developer has not completed improvements within the time frame originally specified and has requested many extensions over time. Supervisor Bennington agreed with Supervisor Fox's recommendation, however if the developer is not willing to consider it, then he feels sales of homes within the Country Roads development should

cease immediately until the bridge is complete.

Chairman Bennett agreed with his fellow Supervisors, noting the Board has granted the Mr. McKenna numerous extensions in the past. and does not feel the developer should be selling units ahead of schedule, which they have apparently been doing. No action taken.

E. MANAGER'S REPORT - Mr. Bruce G. Horrocks, Township Manager -

1. At a previous meeting, Mr. Horrocks requested legal counsel to represent the Township at a zoning hearing to be held for Mr. Joseph Pileggi. That hearing, originally scheduled for December, was continued until January and Mr. Horrocks, as the Zoning Officer, is again requesting the Township Solicitor's representation at this hearing. This request is being made due to the Township Solicitor's knowledge and history of the site and the fact that there may be an appeal or request to review the fees of the Zoning Hearing Board. Mr. Horrocks believes it is imperative that the Township have legal representation at that zoning hearing.

Motion was made by Supervisor Bennington to authorize the Township Solicitor to represent the Township at the zoning hearing for Mr. Pileggi.

Supervisor Fox noted a motion was made at a previous meeting to hire outside legal representation at the Pileggi zoning hearing, which passed 2:0. In Supervisor Fox's opinion, this motion still stands.

Chairman Bennett seconded Supervisor Bennington's original motion. Supervisor Fox was opposed. Motion passed: 2:1.

2. Several months ago, the Supervisors authorized solicitation of quotes for Township insurance for property, liability, auto, and workers compensation. The Board met in Executive Session this afternoon with four insurance agents, including the current insurance carrier, to discuss their proposals.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to utilize Gum Insurance of Lansdale as the Township insurance carrier for 1997, with the total quote in the amount of \$60,380.00.

3. Mr. Horrocks presented four 1997 Budgets, all in a balanced state, for the Board's consideration for adoption.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt the 1997 General Fund Budget in the amount of \$2,659,211.00.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt the 1997 Fire Fund Budget in the amount of \$114,394.00.

Supervisor Fox hopes that at the election in May, the Board will request a referendum question to increase fire tax millage from 3 mills to 4 or 5 mills.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt the 1997 Debt Service Budget in the amount of \$296,925.00.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt the 1997 State Highway Aid Budget in the amount of \$305,570.00.

Chairman Bennett announced there will be no tax increase for 1997.

4. Quotes have been received from three different depositories. Mr. Horrocks asked the Board to review those quotes prior to the January 6, 1997 Reorganization Meeting.

F. CORRESPONDENCE: None.

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

1. Solicitor Grabowski explained that in the beginning of 1997, the Township will have a shortfall in revenue until the real estate tax revenues re received. To that end, the Township has always solicited proposals from various local banks for a Tax Anticipation Note. Solicitor Grabowski is seeking authorization to begin execution of the proper documents to be forwarded to the Pennsylvania Department of Community Affairs for the proposed Tax Anticipation Note in the amount of \$300,000.00.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to authorize the Township Solicitor to begin the appropriate paperwork for a Tax Anticipation Note in the amount of \$300,000.00 for 1997.

2. Solicitor Grabowski presented proposed Resolution #96-37 to accept the easement being offered by owners of the Nyce Subdivision located on Keystone Drive.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt Resolution #96-37 to accept declaration of easement for the Nyce Subdivision.

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

1. Pileggi Subdivision - This site is located at the intersection of Rt. 113 and Rt. 313. The Township has been granted an extension to review this plan until January 31, 1997, therefore no action is required this evening.

Mr. Wynn explained there is an area of Doylestown Soils which are hydric soils and may indicate the presence of wetlands. Pursuant to the requirements of the Subdivision/Land Development Ordinance, whenever hydric soils are present, a wetland investigation must be conducted to determine presence or not of the wetlands. The Planning Commission requested that the Board of Supervisors advise the applicant as to which consultant to hire to make this determination. The applicant was agreeable to this request. Mr. Wynn suggested a list of three consultants be forwarded to the applicant, including Del Val Soils, Soil Services, Inc., and Enviro Technologies Inc., all firms who have conducted recent wetland studies in the Township. Supervisor Bennington asked if all three firms are equal in stature and Mr. Wynn replied that he believes all three have performed satisfactorily. Supervisor Fox suggested Mr. Pileggi select one of the three firms, and then the Township will hire that firm to investigate. Discussion took place. Chairman Bennett asked Mr. Wynn to select one of the three firms. Mr. Wynn was not comfortable with choosing one firm, since the Township will then be directing the work to an individual consultant, which might not be appropriate. Solicitor Grabowski commented the Township has had a colorful history with this particular applicant, and believes it will be objectionable to Mr. Pileggi for the Township to select the expert to make that opinion. Solicitor Grabowski feels the applicant should have a choice of two or three firms. Chairman Bennett and Supervisor Bennington agreed. Supervisor Fox noted that does not follow the Ordinance adopted by this Board. The Board agreed to provide the names of the three firms to Mr. Pileggi to select a consultant.

2. Dean's Harley Davidson - This land development plan has been before the Zoning Hearing Board on several occasions with regard to the building proposal and the parking requirements. The site is located on Bethlehem Pike, and proposes a 2,350 sq. ft. addition to the rear of the property which falls outside of the building setbacks. The proposal is to provide additional display area and the applicant does not anticipate more employees or increased sales.

The Planning Commission recommended unanimous approval to the Dean's Harley Davidson plan, subject to the following conditions:

- Verification of approval must be received in writing by the Bucks County Conservation District for proposed

erosion and sedimentation control measures.

- Planning Module approval or an exemption thereof must be received from the Bucks County Health Department, Hilltown Township, and P.A.D.E.P..
- Property monumentation must be installed as shown on the plan and certified in writing by the responsible surveyor.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant preliminary approval to the Dean's Harley Davidson plan, pending completion of the three conditions as noted above.

3. Rosenberger Subdivision - This plan proposes six additional lots and is located on Seven Corner Road. As part of the planning review, Mr. Wynn explained there are improvements proposed on Seven Corner Road extending to Blooming Glen Road, including cartway widening, curbing, and storm drainage improvements. Storm drainage improvements are being proposed not only along Seven Corner Road, but along Blooming Glen Road as well. The applicant's engineer requested that the Township permit them to forward application to PennDot in order to begin review of the improvements as proposed within the State right-of-way. PennDot will not allow the applicant to submit their application until the Township has either approved the preliminary plan, or until forwards correspondence authorizing PennDot to commence their review.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize correspondence to PennDot in order to commence the review of proposed improvements to Blooming Glen Road for the Rosenberger Subdivision.

4. Beer-Twinbrook Road Subdivision - This two lot subdivision is located on Twinbrook Road just east of Blooming Glen Road, and proposes the creation of one new building lot. The Planning Commission unanimously recommended preliminary/final approval subject to completion of the following:

- A note should be added to the plan which provides that in the event of further subdivision/land development on Lot #2, improvements may be required along the frontage of Lots #1, #2, and Lot #1 of the previous Beer Subdivision.
- Improvements should be made to Twinbrook Road including re-grading of swale along Lot #1 and replacement of an existing corrugated metal pipe culvert.

- Planning Module approval/non-building waiver must receive approval from the Bucks County Health Department, Hilltown Township, and P.A.D.E.P..
- Concrete monumentation should be installed and certified in writing by the responsible surveyor.
- Wetland certification must be received from the responsible soil scientist.
- A note should be added to the plan indicating that the future owner of Lot #1 will be required to submit a plot plan to the Township prior to receipt of a building permit.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to recommend preliminary/final approval to the Beer-Twinbrook Road Subdivision, pending completion of the outstanding items as noted above.

5. Richter Drafting - Mr. Wynn explained this site received land development approval in 1989. The applicant proposes construction of an addition to the rear of the building and is requesting waiver of land development requirements. The Planning Commission unanimously approved a recommendation to waive land development submission for the building addition conditioned upon the following:

- Applicant must provide escrow funds to permit engineering review of the proposed addition.
- The addition must be reviewed for stormwater runoff and other land development issues prior to issuance of a building permit.
- Upon completion of the addition and prior to issuance of a Use and Occupancy Permit, an as-built plan must be provided to the Township for review.

Mr. Wynn suggested this request be tabled until the applicant appears before the Board to seek a building permit and the issue of a waiver of land development submission is presented.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to table the issue of Richter Drafting until the applicant appears before the Board of Supervisors.

- I. ENGINEERING: None.
- J. LINENS FOR SIGNATURE: None.

K. RESIDENT'S COMMENTS:

1. Mr. Hayes Ramsey expressed concern with respect to the proposed water tank site. It seems to Mr. Ramsey, based upon the history of this proposal, that the site recommended by the Board of Supervisors this evening is a bit premature. Mr. Ramsey feels consideration should be given to specific objectives and requirements that have been established as to what is to be achieved by the decision. It is Mr. Ramsey's perception that there was some significant question, based on the last joint meeting with the Authority, as to what objectives were to be accomplished with the construction of this water tank. Though he realizes time is of the essence with this project and since it will be a significant impact on the Township both current and long term, Mr. Ramsey questioned if there is a sound footing with which to make a decision. Mr. Ramsey wondered if the water tank was proposed to satisfy future development needs in the Township, or if it is to address servicing existing water company customers.

Mr. Ramsey cited the past, sometimes rocky relationship between the Telford Borough Authority and the Hilltown Authority, some of which might be factual and some of which might be personality driven. Mr. Ramsey wondered if the Supervisors are confident that there is absolutely nothing further to be pursued with the Telford Borough Authority. Mr. Ramsey is concerned that the Board will allow the time pressures of this matter push the Township in a certain direction before it is ready.

2. Mr. Robert Grunmeier of 1811 Bethlehem Pike presented a framed copy of former Supervisor Betty J. Kelly's obituary as it appeared in the News Herald and asked that it be displayed in the main lobby of the municipal building.

Having served with Mrs. Kelly as a Supervisor, Mr. Grunmeier advised that her dedication to the residents of this Township was enormous. Mr. Grunmeier recalls many times when a resident called Mrs. Kelly with a problem, she would solve that problem if it was in her capacity as a Supervisor to do so. Mrs. Kelly's many attributes include her outstanding dedication as a Supervisor, her sense of humor, and most importantly, the love she expressed for her family. Mr. Grunmeier feels very fortunate to have known Mrs. Kelly and commented that she will never be forgotten.

The Supervisors thanked Mr. Grunmeier for his presentation and assured him the framed plaque would be displayed in the lobby.

3. Mrs. Jean Bolger asked if a real need for a water tank has been established. Chairman Bennett believes a very real need has been established, especially since there is every indication that the village of Hilltown will eventually run out of water.

Chairman Bennett is concerned that at some point, the area could experience a three month drought, causing significant water problems for the village of Hilltown. In 1966, Chairman Bennett can recall that sixteen wells went dry on Fairhill Road, with his well being one. The Authority has been trying to convince residents and the Supervisors that this may very well happen to the village of Hilltown in the future. Personally, Chairman Bennett fears the quarry will continue to expand, especially since recently purchasing the Murphy property.

Chairman Bennett agreed with Mr. Ramsey that a clear, and concise objective for the proposed water tank should be determined by the Board of Supervisors and the Hilltown Authority.

At the last Authority meeting, Mrs. Bolger asked if the purpose of the water tank was to service existing customers or to service future expansion, and she received two different answers. Mr. Kee, the Authority Engineer, replied that it was both; yet some of the Authority members claimed the purpose was for existing customers only. At one time, it was inferred that the water tank was needed to serve the development area which is located near the Rt. 113/Rt. 152 intersection. If this is the case, Mrs. Bolger does not understand why the water tank is being proposed near the village of Hilltown. It was also determined that two water tanks would eventually be needed. Mrs. Bolger asked the Supervisors and the Authority to be honest and truthful with the residents of Hilltown Township.

4. After attending the last Authority meeting, Mr. Nick Lupinacci was under the impression that the Supervisors would be determining the site of the water tank at this evening's meeting. From his understanding of the Authority report supplied to the Supervisors, Mr. Lupinacci believes the Gliderport location is the Authority's first choice. Chairman Bennett stated the Board of Supervisors did not give the Authority a unanimous recommendation, rather the Supervisors merely aired their personal opinions at the joint meeting. Since the joint meeting, Chairman Bennett's opinion has not changed, he still believes there are only two logical sites to construct the water tank, including the three acres behind the Civic Field Park, and the Gliderport property. Supervisor Bennington commented there will be no decision on the placement of the tank at this evening's meeting, because the Supervisors only recently received a report from the Authority which they have not yet had the opportunity to review.

Supervisor Fox has studied the various proposed sites and he personally has made a decision that the Gliderport site is the best site, since it fits all the parameters and criteria.

Since the Board of Supervisors have no intention of condemning

Gliderport property, Supervisor Bennington commented negotiations with the Gliderport must be the Township's first priority.

5. Mr. Ed Conkling is very concerned that the water tank will be constructed in front of his home located on Rt. 152 across the street from the Gliderport. Several of his neighbors are also concerned and are against this proposal. Mr. Conkling spoke to Mr. Dave Bradley of the Gliderport who suggested the tank be constructed further out in the field in a wooded site which is at the same elevation, yet the trees would hide the water tank from view. Chairman Bennett believes the Authority, in future discussions with the Gliderport, will consider several different options.

6. Mr. Dave Bradley of 934 Rt. 152, who is also a member of the Gliderport, asked who actually has the authority to condemn land for construction of the water tank. Chairman Bennett replied either the Board of Supervisors or the Water and Sewer Authority has the power to condemn property. Mr. Bradley commented Supervisor Bennington had previously given his word that the Gliderport property will not be condemned, and he wondered if Supervisor Fox and Chairman Bennett would also promise that they would not condemn the Gliderport property. Supervisor Fox advised he has no intention of condemning that land at this time, and Chairman Bennett agreed. However, Chairman Bennett can not be certain that it will never happen, and feels it is premature to cast his vote on the issue. Mr. Bradley asked the Board of Supervisors to make a motion not to condemn Gliderport property in order to construct the water tank. Supervisor Fox felt that request was premature. Supervisor Bennington felt he would not get a second to that motion. Chairman Bennett would not call for a motion on that request at this point. Mr. Bradley asked how many dwellings the water tank would service. Mr. Groff replied there are approximately 700 connections and there are approximately 2,000 existing customers.

7. Mr. John Kachline of Mill Road asked if the Township has considered where they want to go with the Water and Sewer Authority, and if the Township has considered any other alternatives. With regard to Mrs. Bolger's previous comment that the Authority rates are fairly high, Mr. Kachline wondered if another water company could service Hilltown Township just as well, at a lower rate.

Mr. Kachline was very concerned with figures previously supplied by the Authority, however he has thoroughly investigated them and they are correct. If there are 2,000 water customers at present, Mr. Kachline wondered how many customers this water tank could support in five or ten years. Chairman Bennett noted the report supplied by the Authority provides projections, though they

are primarily limited to the development districts. Mr. Kachline asked if he could obtain a copy of that report and Mr. Groff agreed to supply a copy of the report to Mr. Kachline in the morning. Mr. Kachline believes the water tank is probably necessary if the Township can no longer use the Telford Borough Authority interconnect. If the Township experiences a severe drought, Mr. Kachline does not believe the water tank could, based upon water usage, sustain the existing customers for very long.

For those who are concerned about the height of the water tank, Chairman Bennett commented the two existing North Penn Water tanks on Clearview Road are both 85 ft. high. If the water tank were to be placed on the Gliderport property, the height of the water tank may be 73 to 75 ft. tall.

8. Mr. Frank Rawa of 1100 Rt. 152 suggested the Township make a concerted effort to halt the expansion of the quarry, so that there is no danger of losing water in Hilltown Township. Mr. Rawa noted the blasting from the quarry is atrocious, stating it shakes his entire house. Mr. Rawa is not against construction of a water storage tank, however he certainly does not want it located in his back yard. Mr. Rawa asked if all the residents in the surrounding area of the water tank will be compelled to connect to public water. Supervisor Fox advised the Township has a Water Ordinance in place that does not require anyone to connect to public water unless it is their desire to do so. Public sewer connections, on the other hand, are mandatory if your dwelling is located within 150 ft. of a sewer line.

Chairman Bennett had previously commented that the quarry would be expanded since they had purchased the Murphy property, however Supervisor Fox stated that is not a correct statement. Unless the Board of Supervisors revises the Zoning Ordinance, the quarry would not be permitted to expand. Further, Supervisor Fox has no intention of voting for a Zoning Ordinance revision to expand the quarry.

Mr. Rawa has also heard that the quarry, at its existing location without expansion, can only operate for a short period of time longer. Supervisor Fox replied the quarry can continue operation for another 30 years. With the acquisition of the Murphy property, Chairman Bennett believes the quarry is attempting to purchase reserves, and he does not expect to see the Murphy property developed for at least five or ten years.

L. SUPERVISOR'S COMMENTS:

1. Since the issue of water appears to be a primary topic, Supervisor Fox suggested that a committee of members of the Board of Supervisors and of the Water and Sewer Authority be formed in

order to open discussions with the owners of the quarry to execute an agreement to pump that water up the hill and into any water tank that may be constructed, instead of into the Sand Creek. Over the years, Supervisor Fox has heard estimates that there are over a quarter million gallons of water flowing from each quarry per day. Supervisor Bennington reminded Supervisor Fox that a Quarry Expansion Committee was formed this past year to accomplish those same goals. Supervisor Fox agreed, however he is not a member of that committee, and he would like to be. Supervisor Bennington is agreeable to re-establishing the Quarry Expansion Committee that was developed and to appointing Chairman Bennett to that committee. Chairman Bennett has spoken to Mr. Scott Tagg, chairman of the Water and Sewer Authority, who seemed enthusiastic about the possibility of pumping water from the quarry. The issue of cost appears to be the main factor.

Mrs. Jean Bolger is opposed to appointing Chairman Bennett to the Quarry Expansion Committee since he has publicly stated that he approves of a quarry expansion. Chairman Bennett replied that is simply not true, and advised he has never publicly or privately stated support of quarry expansion. Mrs. Bolger commented statements Chairman Bennett made in the past led her to believe he was in favor of quarry expansion. Supervisor Bennington offered to serve on the Quarry Expansion Committee himself.

Discussion took place concerning the possible formation of a committee of technicians, representatives of the Water and Sewer Authority, and a representative of the Board of Supervisors, to discuss the above mentioned issue with the quarry.

2. Supervisor Bennington asked Mr. Groff if it would be possible for the Hilltown Authority to remain connected with the Telford Borough Authority after 1998. Mr. Groff can not say that it is totally impossible, however he noted that the same concerns will remain, including pressure problems, flow problems, and fire protection difficulties. Supervisor Bennington would like to know if it would be a viable option and suggested the Authority continue discussions with the Telford Borough Authority.

3. Supervisor Bennington stated the Supervisors forwarded sections of the Zoning Ordinance for review by the Planning Commission, including the section regarding Decks in the CR II District and the Water Ordinance. Supervisor Bennington asked when the Planning Commission will provide a recommendation to the Board of Supervisors on those two issues. Supervisor Fox replied the Deck Ordinance recommendation was completed months ago, and the Water Ordinance has not yet been reviewed due to workload. Supervisor Bennington noted the Township Engineer, the Township Manager, and the Township Solicitor have not received any recommendation from the Planning Commission with regard to the Deck

Ordinance. Supervisor Fox will speak to the chairman of the Planning Commission and forward that recommendation to the Board for the January, 1997 meeting. Further, the Water Ordinance will be reviewed by the Planning Commission during the months of January and February, 1997.

Supervisor Bennington stated there have been a few issues appearing before the Zoning Hearing Board several times which should not be. Those issues include Article V, Performance Standards, Bulk and Area (pages 110 and 111), footnote #2 which states "Each lot must be served by public water and sewer in the CR-I District" and Article VI, Non-Conforming Uses of Structures, Section 601, continuation of Sub-section I, where the applicant has applied to the Zoning Hearing Board regarding a property line. Supervisor Bennington believes it is imperative that these two issues in particular be reviewed by the Planning Commission as soon as possible.

Further, Supervisor Bennington had requested that the Sign Ordinance be reviewed by the Bucks County Planning Commission, which it was, however when it was reviewed by the Hilltown Planning Commission, they basically ignored recommendations of the Bucks County Planning Commission. Supervisor Bennington feels the existing Sign Ordinance is too demanding, and stated the Township has already been challenged once. He believes there is a very real possibility that the Township will continue to be challenged over and over again. Supervisor Fox stated the Hilltown Planning Commission thoroughly reviewed the recommendation of the Bucks County Planning Commission, and determined that Hilltown Township is lower in their requirements with regard to heights and distances from the roadway. Supervisor Fox advised all members of the Hilltown Planning Commission interpreted the recommendation of the Bucks County Planning Commission to mean that it is at the discretion of each individual municipality to decide what requirements they choose to adopt within the bounds of the Municipalities Planning Code. Supervisor Bennington did not agree.

Motion was made by Supervisor Bennington, and seconded by Chairman Bennett to authorize the Township Solicitor to review the recommendations of the Bucks County Planning Commission, in order to revise the Sign Ordinance so that it is less restrictive. Supervisor Fox was opposed. Motion carried.

Supervisor Fox feels that Hilltown Township should not have a Planning Commission, since the Board of Supervisors do not consider their recommendations. Supervisor Bennington replied the Board of Supervisors agree with Planning Commission recommendations 98% of the time. Supervisor Fox stated this Board of Supervisors will become known as "the Billboard Board," thanks to Supervisor Bennington and Chairman Bennett.

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Chairman Bennett noted Supervisor Bennington is a former chairman of the Hilltown Township Planning Commission.

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

N. ADJOURNMENT: Upon motion by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously, the December 23, 1996 Board of Supervisors meeting was adjourned at 9:54PM.

Respectfully submitted,

Lynda Seimes
Township Secretary