

HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED PUBLIC MEETING
Monday, August 26, 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 7:40PM and opened with the Pledge of Allegiance.

Also present were: Kenneth B. Bennington, Vice-Chairman
Jack C. Fox, Supervisor
Bruce G. Horrocks, Township Manager
Francis X. Grabowski, Township Solicitor
Mike Russek, Township Engineer's Office
George C. Egly, Chief of Police
Lorraine Leslie, Bookkeeper

A. APPROVAL OF MINUTES:

Action on the minutes of the July 29, 1996 Board of Supervisor's Meeting: Supervisor Bennington noted the following correction:

- pg. 15, second paragraph, second sentence, should read "Further, Supervisor **Bennington** advised the Board of Supervisors had no input in the Park and Recreation Survey."

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the July 29, 1996 Board of Supervisor's meeting, as corrected.

Action on the minutes of the August 12, 1996 Board of Supervisor's Worksession meeting: Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the August 12, 1996 Worksession meeting, as written.

B. APPROVAL OF CURRENT BILLING: Chairman Bennett presented the Bill's List dated August 27, 1996 with General Fund payments in the amount of \$37,396.20, State Highway Aid payments in the amount of \$2,041.13, and Escrow Fund payments in the amount of \$14,536.02; for a grand total of all funds in the amount of \$53,973.35.

Supervisor Fox questioned the bill from B.O.C.A. International for a sprinkler review in the amount of \$600.00. Mr. Horrocks believes that bill was for a sprinkler review for the Super G store, and explained that \$600.00 fee will be charged to the applicant.

Chairman Bennett questioned the bill from Pennsylvania Police Supply in the amount of \$1061.10. Chief Egly replied that bill is for the purchase and installation of a light bar across the roof of a police vehicle.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bill's List dated August 27, 1996, subject to audit.

C. TREASURER'S REPORT - Mr. Bruce G. Horrocks - Mr. Horrocks presented the Treasurer's Report with the following balances as of August 23, 1996:

General Fund Checking Account	\$ 132,352.34
Payroll Checking Account	\$ 368.80
Fire Fund Checking Account	\$ 39,328.43
Debt Service Investment Checking Account	\$ 123,033.91
State Highway Aid Checking Account	\$ 101,685.43
Escrow Fund Checking Account	\$ 127,817.54

Supervisor Bennington asked if the amount presently contained in the Escrow Fund account is specified for only escrow improvements. Mr. Horrocks explained there is still a remaining balance for "in lieu of road improvement" monies in the amount of approximately \$35,000.00 or \$40,000.00. The overwhelming majority of funds in that account, however, is strictly for development escrows.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Treasurer's Report dated August 23, 1996, subject to audit.

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

E. CONFIRMED APPOINTMENTS:

1. Mr. Charles Grasse - Spray Irrigation Ordinance Inquiry - Mr. Grasse has lived on Telegraph Road in Hilltown Township for 14 years. Mr. Grasse owns a parcel of land consisting of 6+ acres which he purchased several years ago as an approved building lot, including an approved sand mound location. During the course of ownership, Mr. Grasse reapplied for renewal of the sand mound location several times. There is a limit, however, as to how many times the permit could be renewed, so Mr. Grasse made the lot a hay field after several years and it has been farmed ever since. Last year, Mr. and Mrs. Grasse decided to sell the property. When he decided to move forward with the sale of the lot, Mr. Grasse again attempted to renew his sand mound permit. During the time the property had been farmed, it is apparent that the traffic caused by farm machinery had suppressed the soils. Further, since large, round hay bales had rested on the approximate site of the sand mound, this also created difficulties. Two holes were dug and found to be sufficient, however a proper position could not be found to seek the location of the remaining two holes, as per the site plan. Mr. Grasse advised the site did not pass inspection because two of the holes were undersized and not deep enough.

At that time, Mr. Grasse spoke with Ms. Sorace of the Bucks County Health Department, who agreed to re-perk the site. A second fee was paid to the Health Department for this privilege, and heavy equipment was again brought to the site, creating a rather large expense for Mr. and Mrs. Grasse. After the second test, the holes again failed. Ms. Sorace then suggested Mr. Grasse consider installation of a spray irrigation system because the site appeared to be a perfect location for it. At the time, Mr. Grasse was reluctant to consider a spray irrigation system because he was not well versed on the technology involved. After discussion with Ms. Sorace, Mr. Grasse learned that as of June 6, 1996, the State adopted new legislation and changed procedure. Ms. Sorace felt that this was the newest and best technology available, which she strongly supported. Ms. Sorace assured Mr. Grasse that she would approve the site for a spray irrigation system and that the application no longer required review by the Department of Environmental Protection. Encouraged, Mr. Grasse agreed to move forward with a request for a spray irrigation system. Unfortunately, upon review of Hilltown Township's Ordinance with regard to spray irrigation systems, there is a requirement for 125 ft. from property lines. The County's requirement is for only 25 ft. from property lines. With the size of Mr. Grasse's lot, it would not be possible to construct a spray irrigation system on the site along with a dwelling.

Mr. Rick Swantec of Enviro-Technology and Design, and Mr. Paul Dietz, engineer, were in attendance representing Mr. Grasse. Mr. Swantec advised he is a former employee of the Bucks County Department of Health, from 1974 through 1987; is a certified Sewage Enforcement Officer; and also president of a consulting firm known as Enviro-Technology and Design. Mr. Swantec specializes in testing soils for on-site sewage disposal, whether it be for inground systems, sandmound systems, or spray irrigation systems. Mr. Grasse contacted Mr. Swantec last fall because another firm had done testing on the property, discovering that it did not qualify for an elevated sand mound system. At that time, spray irrigation was not considered or discussed because the regulations in effect were still governed by D.E.P.. In June of 1996, Mr. Swantec explained regulations changed on the State level so that now local agencies such as the Bucks County Department of Health will have jurisdiction in issuing permits for spray irrigation systems for individual residential systems. These systems are called Irsis systems. Upon site investigation, Mr. Swantec's findings confirmed that the site was deficient in the minimum 20 inches required for a sand mound system. Ms. Sorace suggested installation of an Irsis system since the previous testing indicated the soils met the State's minimum requirements for spray irrigation systems. A proposed spray field was delineated on the lot. It was at that time Mr. Swantec discovered that Hilltown Township's Ordinance requires a 125 ft. setback distance to all property lines.

Mr. Swantec presented a sketch showing an area acceptable to Township requirements, which would not be of sufficient size for any type of spray irrigation system based on the current Ordinance. Also, this type of scenario would not allow sufficient area for placement of a single family dwelling on the lot. Further, Mr. Swantec presented a sketch depicting one of the two different formats with the area required for a minimum spray field, meeting State requirements. Mr. Swantec advised a spray irrigation system requires 10 inches of soil which is also graded at 16 inches to bedrock. Mr. Swantec was successful in finding that all the pits depicted on the plan meet the minimum requirements for spray irrigation. The area where the concentration holes were is the original location of the proposed sand mound system that had been permitted by the Health Department. Mr. Swantec spoke with Mr. Schaeffer of the Bucks County Health Department explaining Mr. Grasse's dilemma, however with the change in regulations last year, the State now has given a six year limit on testing. After six years, the tests are considered invalid and it is at the discretion of the Sewage Enforcement Officer as to whether they will honor the former permit or if new testing is required. Since the soils do not meet minimum requirements, the Department of Health would be in violation if they attempted to grant a permit to Mr. Grasse.

Supervisor Fox suggested the applicant apply for a package treatment plant with a dry swale. These types of systems have been approved by the Township on a regular basis. Supervisor Fox noted that the Township has not been approached for a spray irrigation installation in approximately five or six years.

Mr. Paul Dietz, engineer for the project, was also in attendance to discuss the plan. Mr. Dietz does not recommend a dry swale discharge system. He explained that D.E.P. classifies dry swale systems as stream discharge. Mr. Grasse's situation is a case where a spray irrigation system is an ideal use which meets all D.E.P. and local regulations, with the exception of the Township Ordinance. Mr. Dietz believes that to install a dry swale system would initiate a response from D.E.P. for non-approval, since there is a means to treat the effluent on site with the spray system, rather than stream discharge. This system will contain a treatment plant, and it will also contain a sand filter, as would a stream discharge system. The only difference is that the effluent is totally treated on site with a spray field. Mr. Dietz feels the Township should consider revising their Ordinance. Supervisor Fox stated the Board of Supervisors and the Planning Commission gave careful consideration to this Ordinance when it was originally adopted, finding that in the winter time or during the evening hours when winds increase, the discharge can be blown as much as 125 ft. onto someone else's property. Supervisor Fox reminded Mr. Dietz that this Ordinance was adopted in 1987 and is actually part of the Act 537 plan for Hilltown Township. Mr. Dietz has a spray

irrigation system on his own property and noted the treated effluent which is discharged is clear, clean water that is actually drinkable. Supervisor Fox acknowledged that Mr. Dietz may take proper care of his system, however there are many homeowners who may not take such good care of their system. Supervisor Fox is concerned about effluent blowing onto someone else's property. Supervisor Fox urged Mr. Grasse to consider installation of a stream discharge system.

Since the Township passed the Ordinance in 1987, Chairman Bennett asked if the spray irrigation system has substantially improved. Mr. Dietz replied the components are essentially the same as what was approved by D.E.P., however the Irsis System is somewhat different in that the areas are a bit larger and the sand filter is no longer an option, it is a requirement. Also, the spray irrigation systems applied for through D.E.P. will remain in effect, but this is a very specific case because it is for one single family residential dwelling. If the proposal was for a multi-family unit or a commercial/industrial use, this type of system would not be permitted.

Mr. Russek noted that the Ordinance adopted by the Township for spray irrigation has more restrictive requirements than D.E.P. has. One option the Township may consider is to amend or update the Act 537 Plan. Other municipalities with more restrictive requirements have actually been denied because D.E.P. considered those requirements greater than what their standards might be. Regardless of what is decided for Mr. Grasse's request, Mr. Russek commented the Board may wish to consider amending the Ordinance to come into compliance with D.E.P. standards.

Supervisor Fox is not convinced that 25 ft. from a property line would be suitable. In 1987, when Supervisors Bennington and Fox were members of the Planning Commission, the Bucks County Planning Commission recommended the 125 ft. requirement from a property line, and therefore, the Ordinance adopted by Hilltown Township was based upon that recommendation. Supervisor Bennington understands that the 125 ft. requirement is non-waivable, and asked Solicitor Grabowski what the alternative would be in this case. Solicitor Grabowski stated the dilemma is that the State Legislature passed new Sewage Facilities Act requirements and directed D.E.P. to issue new regulations, which have not yet been officially adopted. As Solicitor Grabowski understands it, the regulations proposed by D.E.P. state that 25 ft. is now sufficient in terms of a buffer, which is obviously in conflict with the Township's Ordinance. The statute passed by the State Legislature notes that Township and Boroughs should not adopt any Ordinance that is more restrictive than D.E.P.'s regulations. If these new regulations actually pass, it will certainly conflict with the Township's Ordinance. The 1987 Ordinance does not contain any provisions by which the Supervisors

can waive requirements, however Section 101 states "This Ordinance, by reference, hereby incorporates the most recently published standards pertaining to design, construction, maintenance and operation of on-site sewage treatment systems, whether it be biological treatment by spray irrigation or otherwise." Solicitor Grabowski acknowledged that an argument could be made that the most recently published standards pertaining to design are the new regulations as proposed by D.E.P.. This may give the Board the opportunity, by way of a policy decision, to agree that the new regulations supercede this particular section of the Township's Ordinance. Supervisor Fox commented the Board does not change Ordinances in such a manner.

Solicitor Grabowski advised the other option would be to have D.E.P. actually direct the Township to amend their Act 537 Facilities Plan to provide for spray irrigation with a 25 ft. setback requirement. Mr. Dietz reminded the Board that they do not necessarily have to revise the existing Ordinance for all spray irrigation systems, just for the Irsis System. Supervisor Fox commented the individual systems are the only type Hilltown Township recognizes. Mr. Dietz understands that, however he noted a commercial property would not be permitted to be reviewed under the new regulations.

Solicitor Grabowski explained there are three options available to the Board of Supervisors. The first is that the Board does nothing, and the consequences of doing nothing would give Mr. Grasse or anyone else, the ability to challenge the Ordinance. Option #2 would be to amend the existing Ordinance, which could take a great deal of review time by the Bucks County Planning Commission, the Hilltown Township Planning Commission, and the Township Engineer's office. The final option is to repeal the Ordinance on the basis that it does not conform to D.E.P. standards.

Mr. Dietz advised a spray irrigation system operating properly will discharge water for approximately 20 minutes per day between the hours of 2:00AM and 3:00AM. Further, the system would use low pressure spray nozzles which would spray the water no higher than five to six feet in the air. At that height, Mr. Dietz commented it would take an 80 m.p.h. wind to blow the effluent 25 feet off the property. Gravity is certainly a factor, and it would pull the water down as it flows from the nozzle. The water is not atomized, rather it is a coarse spray, much like raindrops. Further, D.E.P. has recommended that buffering and landscaping be placed around the fields.

If Mr. Grasse's property perked in the past, Supervisor Bennington wondered why it no longer perks. Mr. Dietz replied the soil was compressed from tractors and other farm equipment; and the soil

tests show it is very close to the limit. Also, the permit could not be renewed by the Department of Health after six years. In effect, Supervisor Bennington believes that Mr. Dietz is saying testing is more restrictive now, but less restrictive with regards to spray irrigation systems. Mr. Dietz agreed, and stated that technology has proved that a spray irrigation system can be very effective. These systems do an outstanding job, and the regulations now give the homeowner an option to construct a sand mound or install a spray irrigation system, provided there is sufficient area.

Since a swale discharge system is supposedly the same cost as a spray irrigation system, Supervisor Bennington suggested the applicant propose a swale discharge system which may or may not be rejected by D.E.P.. Mr. Dietz is not certain such a system would be rejected by D.E.P., however he believes that it would. Supervisor Bennington asked if this would delay Mr. Grasse's project any more so than not receiving approval by the Board of Supervisors this evening. Mr. Dietz stated that it would be delayed because a stream discharge system requires Planning Module approval, and the proposal would also have to go before the Planning Commission and the Board of Supervisors. This process could take up to sixty days each at the planning level and with the Township, and then D.E.P. would have 120 days to review. Assuming they approve it, the N.P.D.S part I would also take 120 days for review. Supervisor Fox asked when Mr. Dietz was last before the Board discussing a stream discharge system, and Mr. Dietz replied it was approximately two years ago. At those particular sites, the applicant had to consider spray irrigation as an alternative because the sites were too small, and these regulations were not available at that time.

Supervisor Fox does not see how the Board can possibly revise the Ordinance this evening, nor can the issue be ignored. Supervisor Fox is willing to review the Mr. Dietz's information showing that the technology has changed and will pass that information along to the Planning Commission for their review as well.

Supervisor Bennington asked Mr. Russek if the applicant's prediction of 18 months for review of a stream discharge system was realistic. Mr. Russek replied that prediction could be realistic based on the rather lengthy time frames for each agency. By the same token, Supervisor Bennington noted the Ordinance in place can not be waived without documentation and review by both the Planning Commission and the Board of Supervisors. This scenario could also take a significant amount of time.

It is Mr. Russek's understanding that for the permitting process of a single family spray irrigation system, the applicant must still provide an escrow and enter into an operation and maintenance

agreement. Mr. Dietz acknowledged that, and noted the Township is in possession of the maintenance agreement which his client is willing to sign and execute as soon as possible.

Mr. Charles Grasse, the applicant, is a firm believer in new technology and feels the Supervisors must keep an open mind to the future. Mr. Grasse stated he is not requesting that the Ordinance be changed, he is merely requesting that the 125 ft. requirement from a property line be revised because it is unreasonable and does not comply with D.E.P. requirements. Mr. Grasse feels the existing Ordinance must be reconsidered and amended if necessary. Supervisor Bennington is willing to consider amending the Ordinance, however the Board of Supervisors must first review the documentation as provided by Mr. Dietz.

Solicitor Grabowski asked if the applicant takes issue with any of the other requirements found in Ordinance #87-4, besides the 125 ft. stipulation. Mr. Dietz has only had a brief opportunity to peruse the Ordinance prior to this meeting, and is not sure if there are any other issues that may impact this project. Mr. Dietz is aware there is a potential problem with the spray field to an adjoining dwelling. Assuming there is a property that will allow installation of a spray irrigation field, along with the 125 ft. setback, that would leave 100 ft. from the property line to an adjoining property dwelling. If the adjoining property is vacant at the time of construction of the spray irrigation field, there will be a 100 ft. setback requirement imposed on the adjoining property owner for construction on his lot. Requirements of the existing Ordinance would entail the Township imposing restrictions on an adjoining property owner, over and above regular zoning requirements. Supervisor Bennington believes that means a 100 ft. setback requirement at the time a spray irrigation system is actually installed, not for future construction on an adjoining property.

Chairman Bennett agreed with Mr. Grasse's comments that the Township should give consideration to revising the 1987 Ordinance which may be impractical or outdated through advanced technology. Supervisor Bennington suggested the Township Engineer be authorized to review current regulations to specify where Hilltown Township does not conform with D.E.P. and County regulations. Supervisor Fox reminded the Board that the current regulations proposed by D.E.P. have not yet been approved. Mr. Russek advised the delay by the State concerning the new regulations is that the guidelines still must be reviewed and approved by the Environmental Quality Hearing Board. It is Mr. Russek's understanding from Mr. Glenn Stinson that D.E.P. has ordered local agencies to utilize the proposed guidelines as if they are in effect for the purpose of reviewing these individual spray irrigation systems, even though they have not been formally adopted. Supervisor Bennington asked

what neighboring municipalities use as a guideline for the boundary. Mr. Russek explained East Rockhill Township recently updated their Ordinance, actually adding the 25 ft. requirement as stipulated by D.E.P.. To Mr. Russek's knowledge, many other surrounding municipalities are conforming to the current 25 ft. requirement since D.E.P. is taking the position that if a municipality uses more restrictive requirements, the plan will not be approved. Mr. Grasse believes Haycock Township adopted the 25 ft. requirement long before the new regulations came out. At a minimum, Supervisor Bennington would like a thorough review of this information by the Planning Commission. Further, Supervisor Bennington suggested the Township Engineer's office draft a summation for Planning Commission members showing the newly proposed regulations versus the existing Township Ordinance.

If the Board were to amend its existing Ordinance, Chairman Bennett asked what course of action would be required. Solicitor Grabowski explained an Ordinance must be changed by amendment, a process which requires advertising a Public Hearing, along with 45 days review to the Bucks County Planning Commission. Another option Mr. Dietz noted would be a repeal of the existing Township Ordinance in favor of the regulations by D.E.P. and the local Health Department. Supervisor Bennington is not willing to do that without careful consideration of existing Township requirements.

Mr. Dietz invited members of the Board to visit his home to see his spray irrigation system in operation. This system has been in place on Mr. Dietz's property for approximately one year.

Chairman Bennett stated the Board of Supervisors is not in a position to make a decision this evening concerning this matter, however the issue will be pursued prior to the next meeting.

F. PUBLIC HEARING - Chairman Bennett adjourned the regularly scheduled Board of Supervisors meeting of August 26, 1996 at 8:48PM in order to enter into an advertised Public Hearing to obtain resident's views and proposals for Community Development Block Grant Funding, and a Public Hearing to establish guidelines to be followed during police arrests without warrants.

Mr. Horrocks advised there is \$93,800.00 available for the 1997-1998-1999 Community Development Block Grant. To make these available funds cost effective to the Township, Supervisor Bennington stated that last year, funds were utilized to improve roadwork within the Township. Supervisor Bennington suggested that this year, a request be made for roadwork in the Clearview Road, E. Summit Str., Fairhill School Rd., and Maron Rd. area. Supervisor Fox was in agreement, with the stipulation that if there are any funds remaining after roadwork is complete, they be forwarded to the Hilltown Historical Society. There was no public comment

concerning Community Development Block Grant Funding.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to utilize whatever monies are received from the Community Development Block Grant Program for 1997-1998-1999 towards road repair as specified above, with any remaining funds going to the Hilltown Historical Society.

The second Public Hearing is to establish guidelines to be followed during police arrests without warrants. Solicitor Grabowski explained that in the latter part of 1995, the State Legislature adopted an Act as a result of a Supreme Court decision dealing with the permission of police officers to make arrests when they have no specific warrants. Act 25 took effect in January of 1996, stipulating that police officers can make arrests without a warrant in four specific summary offenses, including disorderly conduct, public drunkenness, obstructing highways, and underage drinking. However, Solicitor Grabowski noted that Act 25 went on to say "only after the governmental body, whether it be a Township or Borough, empower the police officer by guidelines to be followed when making such a warrantless arrest." At that time, the Bucks County District Attorney's office took it upon themselves to establish standard guidelines to be recommended to all police departments in Bucks County. The language as proposed by the Bucks County District Attorney has been reviewed by the Township Solicitor and found to be entirely appropriate and acceptable. Chief Egly has also recommended adoption of this language. Solicitor Grabowski has prepared an Ordinance which has been properly advertised in the Perkasie News Herald before consideration by the Board of Supervisors. There was no public comment with regard to establishing guidelines to be followed during police arrests without warrants.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **adopt Ordinance #96-2, establishing guidelines to be followed during police arrests without warrants.**

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

1. The Township received six bids in response to the advertisement for Bid #96-8 for 1,000 tons of Sodium Chloride, a joint bid with 500 tons for Hilltown Township and 500 tons for East Rockhill Township. The bid results are as follows:

Continental Salt	\$34.90/ton
Oceanport Industries	\$36.12/ton
Morton International	\$36.73/ton
Akzo Nobel	\$36.83/ton
Cargill	\$39.89/ton
Yardville Supply	\$44.89/ton

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to award Bid #96-8 for 1,000 tons of Sodium Chloride to Continental Salt of Staten Island, New York in the amount of \$34.90 per ton.

2. Mr. Horrocks presented eleven escrow releases for the Board's consideration:

Bricks Villa II	Voucher #01	\$ 138.12
Bridle Run	Voucher #18	\$ 39,950.35
County Line Shopping Center	Voucher #10	\$ 115.01
Country Roads Phase II	Voucher #27	\$ 282.99
Country Roads III & IV	Voucher #02	\$ 5,220.00
Derstine	Voucher #1A	\$ 194.11
Hilltown Hunt	Voucher #19	\$ 72,658.80
Hilltown Hunt	Voucher #20	\$ 8,073.20
Hilltown Crossings	Voucher #22	\$336,264.12
Olesky Land Development	Voucher #02	\$ 144.27
Quiet Acres	Voucher #20	\$ 714.92

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the eleven escrow releases as noted above.

3. Mr. Horrocks asked the Board to consider participating in the proposed 1997 Household Hazardous Waste Program through Bucks County. The total cost to Hilltown Township would be \$1,111.00, which is 50% of the \$2,222.00 fee. The administrative department takes quite a few inquiries from residents asking where and how to dispose of household hazardous waste, which would be addressed by participation in this program. The Board will take this matter under advisement.

4. Mr. Horrocks and Chief Egly met with a representative of Kopp Equipment Sales, the firm who installed the antennae on the Comcast tower. In hopes of eliminating all "holes" in local radio coverage, the one channel that is used by the Police Department, the Public Works Department, and the Authority would come back to this tower directly from a vehicle and then go out to the next person, rather than go from vehicle to vehicle. At present, the Township currently receives \$800.00 for the lease of the tower and has spent \$2,000.00 for the antennae and cable presently mounted on the tower. In total, the approximate cost would be \$5,000.00 to \$6,000.00 to finish the entire system of the repeater radios. Mr. Horrocks recommended the Board consider purchasing this program now using funds from the 1989 Bond Issue, of which \$23,000.00 remains. If the Board so desires, the \$800.00 monthly rental fee could be directed back into that fund. Supervisor Fox asked if Mr. Horrocks has obtained other quotes besides this one. Mr. Horrocks replied the Township has been utilizing Kopp Equipment Sales for

the Police Department exclusively. Supervisor Fox commented this particular company could charge the Township any price because they do not have to be competitive. Chief Egly is wary of using another company due to the quality of other systems available. Mr. Horrocks will attempt to obtain other telephone bids from two additional companies.

H. CORRESPONDENCE:

1. Correspondence has been received from the Bucks County Planning Commission with their comments on the amendment to the Zoning Ordinance with regard to buffers.

Since the Bucks County Planning Commission had no real concerns other than recommendations on types of trees and plantings, the Township Engineer is recommending that the Board consider authorizing Solicitor Grabowski to advertise for a Public Hearing to be held at the September meeting, provided there is a positive recommendation from the Hilltown Planning Commission.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize the Township Solicitor to begin the advertisement process for a Public Hearing concerning the amendment to the Zoning Ordinance.

2. The Township has received a request from the Penridge Senior Center for funds for the 1997 year.

3. Correspondence was received from the Planning Commission dated July 15, 1996 concerning the sign section of the Zoning Ordinance.

Chairman Bennett noted the Bucks County Planning Commission charge for review of documents is quite expensive. Mr. Horrocks replied these charges include review of the sign portion of the Zoning Ordinance and another article in the Zoning Ordinance, including charges for review of the Comprehensive Recreation Plan.

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

1. Solicitor Grabowski presented Resolution #96-26 to accept the Declaration of Easement for right-of-way of Clearview Road with regard to the Haberle Subdivision.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **adopt Resolution #96-26 to accept the Declaration of Easement for right-of-way of Clearview Road for the Haberle Subdivision.**

2. Solicitor Grabowski presented Resolution #96-27 to accept the Declaration of Easement for right-of-way of Telegraph Road with regard to the Grasse Subdivision.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **adopt Resolution #96-27 to accept the Declaration of Easement for right-of-way of Telegraph Road for the Grasse Subdivision.**

3. The maintenance period for Country Roads Phase I has been in effect for several months and the developer has obtained a irrevocable Letter of Credit from CoreStates Bank, representing the retainage of \$71,018.90. The developer is now requesting that this Letter of Credit be substituted for the cash escrow under the original Financial Security Agreement, executed in 1993. The public improvements have been accepted by the Supervisors for Phase I and the development is now in the maintenance period. Solicitor Grabowski presented a modification to the original 1993 agreement and recommended the Board authorize the execution of this document.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize the execution of the modification agreement for Country Roads Phase I, allowing for the substitution of a Letter of Credit for cash retainage, as noted above.

4. Solicitor Grabowski announced the Board of Supervisors met in Executive Session prior to this meeting to discuss pending legal matters and personnel matters.

J. PLANNING - Mr. Mike Russek, Township Engineer's Office -

a. Landis Subdivision - This four lot subdivision is located in the northeast section of the Township on Rt. 313. There are two lane lots involved with lot sizes ranging from 5 acres to 11+ acres. The Planning Commission recommended preliminary approval pending completion of the following outstanding items:

- Buffer yard must be included along Rt. 313 with appropriate plantings in accordance the Zoning Ordinance.

- Waivers were recommended from Subdivision Ordinance regulations relative to installation of curb and sidewalk along Rt. 313, and stormwater management design. A waiver was also recommended from requirements for contours at intervals of 2 feet as determined by field survey. The plan includes contour intervals of 10 ft. determined by USGS mapping. The applicant must submit this additional request for a waiver in writing.

- Floodplain should be delineated on the plan for the Northeast Branch Perkiomen Creek. Floodplain soils or 50 feet from top of stream bank, whichever is greater, should be used as floodplain boundary.

- Plan should indicate typical driveway construction within the ultimate right-of-way of Rt. 313, including driveway swale and/or pipes to convey roadside stormwater run-off. Additionally, a PennDot Highway Occupancy Permit should be obtained for a single driveway entrance to be shared by all four lots. The appropriate shared driveway easement and maintenance agreements for same must also be established.

- Planning Module approval by the Bucks County Health Department, Hilltown Township, and P.A.D.E.P..

- Concrete monuments as indicated on the plan should be installed and certified in writing by the responsible surveyor prior to plan recordation.

- Right-of-way dedication of Rt. 313

- Existing sewage disposal system, well, and fencing should be included on the plan.

- Escrow agreement should be executed to guarantee installation of public improvements, including but not limited to, driveway construction within the right-of-way, buffer plantings, and erosion control facilities.

- Reference to Swamp Road should be removed from plan. Additionally, the tree planting detail should be revised to indicate 2 1/2" caliper deciduous trees.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the preliminary plan of the Landis Subdivision, pending completion of outstanding items as noted, and the topography delineation.

b. Keystone Estates - This proposed five lot subdivision is located on Keystone Drive between Rosie Lane and Hilltown Pike. Preliminary plan approval was granted in March of 1996. The final plan was submitted in June and reviewed at the June Planning Commission meeting, at which time the applicant's engineer was informed that the submission was not complete enough for recommendation of final approval.

This plan was unanimously recommended for denial by the Planning Commission for non-compliance with Zoning Ordinance and Subdivision requirements as outlined in Mr. Wynn's engineering review dated

June 11, 1996, unless an extension is received in writing from the applicant. Action is required by September 15, 1996.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to deny the Keystone Estates plan for non-compliance with Zoning and Subdivision Ordinance requirements, unless an extension is received in writing from the applicant prior to the September 15, 1996 deadline.

c. Orchard Glen Planning Modules - Planning Modules were unanimously recommended for approval and Component 4A was executed by the Planning Commission. Planning Modules are subject to approval by the Board of Supervisors, via Resolution prior to submission to the Pennsylvania Department of Environmental Protection.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **adopt Resolution #96-28 for submission of Planning Modules for the Orchard Glen development to the Pennsylvania Department of Environmental Protection.**

K. ENGINEERING - None.

L. LINENS FOR SIGNATURE:
a. Grasse Subdivision

M. RESIDENT'S COMMENTS:

1. Ms. Dawn Brown was present to make a request on behalf of her father, Mr. George Gerhart of 610 Oak Street in Telford. Mr. Gerhart is seeking relief from interest and the \$14.00 cost for the lien filed by Hilltown Township on the sanitary sewage construction performed by Telford Borough Authority. This request is being made since the lien was filed before construction was completed. Mr. Gerhart received a letter dated January 4, 1996, notifying that the lien was filed on or about December 28, 1995. Mr. Gerhart spoke to Mr. Horrocks on January 5, 1996 notifying him of the drainage ditch, the water running back towards his home, and the second easement, and that Telford Borough Authority was aware of the problems. Mr. Horrocks assured Mr. Gerhart that the situation would be rectified. Correspondence was sent by Mr. Horrocks on January 5, 1996 to Charles Feindler, Manager of T.B.A., notifying him of these problems. During the second or third week of May, Telford Borough Authority finally dug the drainage ditch, however by this time, the lawn had eroded away in several spots, leaving a raised manhole cover. Mr. Don Beck of T.B.A. was aware of the problem, and Mr. Gerhart was promised that topsoil would be placed on the site to correct the problem, though this matter still has not been addressed. On Friday, August 9, 1996, Mr. Beck delivered a copy of the agreement for extinguishment of the utility

easements. Also on that date, Mr. Gerhart contacted Hilltown Township to find out where he had to pay the lien of \$7,436.31. Mr. Gerhart's call was returned on Monday, August 12, 1996 and he was advised the figure was actually \$7,946.07. Mr. Gerhart does not feel he should have to pay this additional fee because the job was not completed properly and the lawn was not put back into the condition it was before work began.

Mr. Horrocks agreed with Mr. Gerhart's understanding of the events that took place. The difficulty Mr. Horrocks had was that the lien placed on Mr. Gerhart's home carried with it a 10% interest fee. Mr. Horrocks does not have the authority to waive the 10% interest on a municipal lien.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to waive the 10% interest fee and the filing fee for Mr. Gerhart's property, as noted above.

2. Mr. John Snyder of 2018 Mill Road stated the Zoning Hearing Board will meet on September 19, 1996 for a scheduled hearing. Prior to the start of that hearing, the Zoning Hearing Board will officially go on the record to close an appeal for Bernie Enterprises. There will be no formal advertising of this hearing, and all interested parties have been notified.

Mr. Snyder asked Mr. Horrocks to notify Dean's Harley Davidson that the Zoning Hearing Board will hear their appeal immediately following the regularly scheduled Zoning Hearing of September 19, 1996.

After reviewing files for the Bernie Enterprises case, Mr. Snyder discovered several old zoning matters, including an appeal for Daniel O'Neill filed in late August of 1993, who appealed to the Court of Common Pleas in September of 1993; and also an appeal from Rovin' Restaurants in the latter part of 1994, who appealed to the Court of Common Pleas in 1994. Mr. Snyder asked the status of these two cases.

Solicitor Grabowski explained there was a decision by the Common Pleas Court for the O'Neill matter in favor of the Township. With regard to the Rovin' Restaurant matter, Solicitor Grabowski advised it is still currently going on. The difficulty in this matter is a unique one, because the Zoning Hearing transcript contained information that the applicant's attorney believes is inaccurate. The stenographer at that particular hearing was Mr. John McHugh, who is the dean of stenographers in Bucks County. The applicant's attorney has filed a petition suggesting that the transcript is in error and must be re-done. Solicitor Grabowski has answered that petition, suggesting that is not the case. The matter is presently before a judge awaiting a decision.

As to the O'Neill matter, Solicitor Grabowski believes it was in the hands of the former Zoning Officer to determine if there was compliance with the Bucks County court order.

Mr. Snyder commented the Jackson Teed case (#96-01) was denied by the Zoning Hearing Board, however the applicant is continuing to operate at his property on Mill Road.

Supervisor Bennington suggested the Zoning Hearing Board members receive copies of the review by the Bucks County Planning Commission of the sign portion of the Zoning Ordinance. Supervisor Fox agreed.

Supervisor Fox asked if the Township has been receiving aerial photographs of Bernie's Enterprises each month. Mr. Horrocks replied that the Township has received three aerial photos to date, with the second photo quite obviously showing reduction.

N. SUPERVISOR'S COMMENTS:

1. Supervisor Bennington commented he does not take kindly to threats, especially threats from an attorney representing Mr. and Mrs. Thompson of Upper Stump Road. Hilltown Township has an Ordinance (#85-8), and whether or not an individual likes it, the Ordinance is in place. If someone makes a complaint against a property, the Township must investigate that complaint. If the Township determines that the complaint is legitimate and that the property owner is in violation, the property owner will be cited.

Supervisor Bennington received correspondence from Mr. Bruce McKissock, attorney for the Thompsons, stating "Harassment by the Township will clearly expose the Township to liability for damages and attorney's fees. My clients are very serious about this. There is no question this is a baseless violation." Discussion took place. Solicitor Grabowski had previously informed the Supervisors that a reliable witness is required to be successful in this case. Supervisor Bennington stated the residents who complained about the Thompson's property indicated they would be willing to testify. Supervisor Fox does not feel the Township could win this case because the established Ordinance does not specify any particular height of weeds. Supervisor Bennington reminded the Board that the issue of safety was also involved because the height of the grass blocked the view of the private roadway. Supervisor Bennington feels a message should be sent to the Thompsons that the Township will not take their threats lightly. Solicitor Grabowski noted the Township has issued a citation against the property owner and they have 30 days to begin to come into compliance. If the Thompsons do not comply, Mr. Horrocks explained the Zoning Officer will request further action by the Board of Supervisors, as the Zoning Ordinance requires.

O. PRESS CONFERENCE: There were no members of the press present at this time.

P. ADJOURNMENT: Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to adjourn the August 26, 1996 meeting of the Hilltown Township Board of Supervisors at 9:48PM.

Respectfully submitted,

Lynda Seimes

Lynda Seimes

Township Secretary

(*These minutes were transcribed from notes and tape recordings taken by Mrs. Lorraine Leslie, Bookkeeper).