

HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED WORK SESSION
Monday, February 14, 2005
7:30 PM

The regularly scheduled work session of the Hilltown Township Board of Supervisors was called to order by Chairperson Kenneth B. Bennington at 7:30 p.m. and opened with the Pledge of Allegiance.

The following were also present:

George C. Egly, Vice Chairperson
Richard J. Manfredi, Supervisor
Christopher Engelhart, Chief of Police
Thomas Buzby, Director of Public Works
Daniel Jenkins, Fire Marshal
Lorraine E. Leslie, Township Treasurer

Approval of Minutes – January 24, 2005 Regular Meeting:

On motion of Mr. Manfredi, seconded by Mr. Bennington, the minutes of the January 24, 2005 meeting were approved as submitted. This motion was passed by a vote of 2 to 0, with Mr. Egly abstaining. There was no public comment.

Treasurer's Report as of December 31, 2004:

General Fund Checking	\$ 31,587.14
Payroll Checking	478.29
General Reserve Fund	256,587.12
Open Space Fund	630,383.51
Fire Fund Checking	294.52
Debt Service Checking	210,972.96
State Highway Aid Checking	13,070.42
Escrow Fund Checking	1,447,091.63
Capital Projects Fund	43,117.41

Mr. Manfredi asked when the financial statements will be presented. In answer Ms. Leslie said that a presentation would be made at a work session in May and regular financial statements should be received within two weeks.

On motion of Mr. Manfredi, seconded by Mr. Egly, the Board of Supervisors approved the December 31, 2004 Treasurer's Report as submitted. This motion passed by a vote of 3 to 0.

Director of Public Works Report: Mr. Tom Buzby reported the activity of the public works department, a copy of which is on file at the Township office. Additionally Mr. Buzby explained that there were enough cinders in the Township supply to take care of another snow storm. He also told the Board that the Commonwealth of Pennsylvania, Department of General Services sent an invitation to Hilltown Township to bid for

sodium chloride. However, he said that a potential problem is that this is a different process than other cooperative purchasing that Hilltown is involved in with other Townships in that the Township has to pre-commit the Township's needs by March 31st for 2006.

Marilyn Teed, Mill Road, suggested that the Township contract out some of the open space mowing and maintenance to local landscapers. It would save the Township money in that there would be no need to pay benefits to these subcontractors.

Mr. Buzby said that this would be a possibility and other Townships are subcontracting some of the mowing to landscapers. He said that the Township owns the mowing equipment and it is labor intensive to maintain the areas in the Township. Mr. Buzby said that he currently hired a college student and does not pay any benefits.

Mr. Egly suggested that he picks a parcel of ground requiring mowing and get an estimate and report back to the Board and compare the cost of the Township employees performing the same task.

Police Chief Report: Chief Engelhart reported to the Board as of December, 2004 a copy of which is on file at the Township office. Chief Engelhart told the Board that the Department plans to increase the number of speed checks and has done 4 this year to date which will include Green Street and Diamond Street. He said that speed was clocked at 63 mph on Orchard Road, 84 mph, 97 mph, 86 mph and 93 mph on Route 309, 65 mph on Hilltown Pike, 55 mph on Barringer Avenue and 48 on Reliance Road. The speed board has been repaired and will again be used. Chief Engelhart reported that Officer Kane continues to make progress.

Chief Engelhart recommended the posting of no trucks on Central Avenue between the entrance/exit to Hilltown Plaza to County Line Road in Telford and a stop sign, except for right turns be installed for east bound traffic approaching the "S" curve at Hickory and Oak Streets. The Board directed Chief Engelhart to submit a written proposal concerning this recommendation for their consideration at a future meeting.

Chief Engelhart requested Board approval to advertise for the position for a new police officer. On motion of Mr. Egly, seconded by Mr. Manfredi, the Board of Supervisors approved the advertisement for the position of a new police officer. This motion passed by a vote of 3 to 0.

Chief Engelhart directed the Board's attention to a letter asking for the promotion of Randy Tanghe to the position of Lt. Detective. On motion of Mr. Egly, seconded by Mr. Manfredi, the Board of Supervisors approved the promotion of Randy Tanghe to the position of Lt. Detective. This motion passed by a vote of 3 to 0.

Building Code Official Report: Mr. Jenkins explained that he does not have a completed report.

Fire Marshal Report: Mr. Jenkins explained that he has received certification from Bucks County Community College in their fire science program. He reported to the Board, a copy of which is on file at the Township office.

On motion of Mr. Manfredi, seconded by Mr. Egly, the Board of Supervisors adopted the Mission Statement for the Fire Marshal's office. This motion passed by a vote of 3 to 0.

Mr. Manfredi asked that Mr. Jenkins put his presentation on the web site for all the residents to access.

Water and Sewer Authority Report: Mr. James Groff reported to the Board, a copy of which is on file at the Township office.

Zoning Hearing Board Report: Mr. John Snyder reported to the Board, a copy of which is on file at the Township office.

Hilltown Fire Company Report: Mr. Mike McGinnis addressed the Board and stated that the Hilltown Fire Company responded to 31 calls during January, 2005, 15 of the calls in Hilltown, 8 in New Britain, 3 in Hatfield, 1 in Montgomery, 2 in East Rockhill, 2 in Telford, 18 medical calls, 7 assists, 1 fumes, 3 traffic accidents, 1 rapid intervention and 1 standby.

Mr. Manfredi suggested that he believes the Board needs to start discussing plans to address the medical responses in the Township to identify the issues and possible solutions. The Board asked that this be added to the agenda for the next meeting. for the fire panel.

Silverdale Fire Company Report: Mr. John Gillespie addressed the Board and commended the Fire Marshal for his report and cooperation with the Silverdale Fire Company. Mr. Gillespie explained that in December, 2004 there were 32 calls, 2 in Silverdale Borough, 20 in Hilltown Township, 1 in Sellersville Borough and 9 in Haycock Township. The total calls for 2004 were 114 fire calls and 206 medical calls for Silverdale Fire Company.

In January, 2005 there were 36 calls; 3 in Silverdale Borough, 30 in Hilltown Township, 1 in Chalfont, 1 in East Rockhill and 1 in Bedminster.

Planning Commission: Mr. Brooke Rush addressed the Board and apologized to the residents explaining that the Planning Commission had a work session meeting on February 7, 2005 and he said that the door was inadvertently locked so if any resident tried to get in they could not but it was certainly unintentional. At that meeting there were no motions made. He said that discussions were held regarding concrete pavers, buffering requirements together with looking at zoning requirements with regard to the buffering requirements and discussions with Mr. Antunes regarding placement for the Smith Tract for his road easement and his concerns about the process. Mr. Rush said that Sandy Williamson discussed an issue concerning when looking at sketch plans and commented about water extensions to various properties. Mr. Rush said that concerning public water his position is that the Planning Commission reviews the plans and the Water Authority simultaneously is reviewing the plans and said that the Planning Commission will continue this review process until directed differently. He said that the Planning Commission has reviewed SALDO waivers as well as the need for sidewalks in certain developments.

He said that the Planning Commission has received information with respect to the McGrath Development including a traffic study.

Mr. Manfredi said that he believes the Solicitor should be asked why the traffic study is submitted with the plan for review when the zoning request change has not been resolved.

On motion of Mr. Manfredi, seconded by Mr. Bennington, the Board directed the staff to ask the Township Solicitor to clarify when the clock starts running if an application has been officially accepted for review of the plan if the plan has been submitted for zoning change and consideration only or if it has been submitted for land development. This motion passed by a vote of 3 to 0.

The Board directed the Planning Commission not to review the McGrath plan until clarification of the time lines of submission by the Township Solicitor.

Mr. Manfredi said that he does not believe the Board of Supervisors gave formal direction to the Planning Commission with respect to their review of plans with the assumption that public water would be supplied to a particular development. He said he believes the Ordinances would govern this matter but would like the Township Solicitor to render a formal opinion with respect to this issue. Additionally he said he would like a legal opinion from the Solicitor with regard to the current language of the zoning ordinance which gives the Planning Commission the flexibility to determine how to review a plan and if they can refuse to review a plan if it does not provide public water to a 50,000 square foot lots.

A discussion was held concerning the procedures of the Township and there was no consensus among the Board of Supervisors as to whether the guidelines of the Township were clear to a developer and/or the Planning Commission members.

Mr. Bennington said that he believes that the reviewing board must accept the fact that the developer is abiding by the guidelines set forth in the 1995 ordinance.

Mr. Manfredi stated that he does not believe the language in the ordinance is that clear and would like a legal opinion on this issue from the Township Solicitor.

Mr. Rush asked if the Planning Commission should not review the McGrath plan submission until an opinion has been received by the Township Solicitor.

Jack McIlhinney. Broad Street, said that he believes section 508 of the ordinance calls for municipal or existing public water or a centralized water system. Therefore, if a developer says he is going to construct a centralized water system he is entitled to 50,000 square foot lots and if he can then get public water to the site then the 50,000 square foot lots are still viable. He said he believes this was confirmed in the case *Biennium v. Delaware County*.

Mr. Manfredi responded by saying he believes there are inconsistencies in the zoning ordinance and believes the Township Solicitor should render an opinion on any other cross reference provisions in the zoning ordinance that may affect this decision.

Mr. McIlhinney said that he believes the purpose of the Planning Commission is to actually assist in the development of plans and to help anyone that submits a plan, either a homeowner or developer, to be sure that the Township gets the best development possible for the community and to make recommendations to the Board of Supervisors who are charged with making the final decision on any plan. In response to Mr. Manfredi, Mr. McIlhinney said that he does not believe this is an unanswered issue and that some people may not like the answer so they keep questioning the language of the ordinance.

Mr. Bennington said that the ordinance was reviewed by the Township Solicitor in 1995 when it was adopted and if he had concerns he would have raised them at that time. Mr. Bennington said he would be happy to have a motion to have the Township Solicitor render a legal opinion but he was not in favor of holding up any plans until that decision has been received.

On motion of Mr. Manfredi, seconded by Mr. Egly, the Board of Supervisors requested a formal legal opinion from the Township Solicitor regarding:

1. Can/should the Planning Commission review plans submitted to the Township with the assumption that public water would be supplied to a particular development.
2. With regard to the current language of the zoning ordinance does it give the Planning Commission the flexibility to determine how to review a plan and does it allow for them to refuse to review a plan if it does not provide public water to a 50,000 square foot lots.

However, the Planning Commission can move forward with reviewing the plans and making any recommendations they deem appropriate.

This motion passed by a vote of 3 to 0.

Mr. Rush explained to the Board with respect to a procedural issue because of the two vacancies one member questioned whether the Planning Commission was allowed to make motions and asked for clarification. Mr. Rush said he understands the Planning Commission is organized as previously organized; however, one member believes the Planning Commission is currently unorganized and therefore not authorized to make motions.

Mr. Bennington explained that as long as there is a quorum the Planning Commission can function as a fully organized commission and carry out their purpose.

After discussion it was determined that a joint meeting with the Planning Commission and Board of Supervisors would be scheduled after the Summit has occurred.

Park and Recreation Board: Mr. John Apple addressed the Board and explained that the Park and Recreation Board was reorganized in December, 2004 and he was elected to serve as President, Daniel Kell was elected Vice-President, Jane James was elected Secretary and Nick Lupinacci was elected as Treasurer. The following events are scheduled for 2005 at Pearl Buck House:

Easter Egg Hunt: 11:00 a.m. on March 19th with a rain date of March 26th
Halloween Fest: October 22, 2005

He asked that the Board of Supervisors attend the Park and Recreation Board meeting on March 10, 2005, at 7:30 p.m.

Mr. Apple requested an update and time frame when the overlay maps which Bucks County Planning Commission is working on might be completed.

Open Space Committee Report: Sandy Williamson reported on behalf of the Open Space Committee that there were 3 official members which constitute a quorum. They reviewed plans that were submitted and they said it was difficult to make any determination with respect to the plans because there were no sketch plans included in the materials. One was the Kirk Tract and she believes this plan is being revised prior to resubmission. Also, a plan was submitted for property along Church Road and the Committee had a question/concern about trees along the property which adjoins a heavily planted evergreen parcel, and asked for clarification if the trees were going to remain as part of the buffer. She asked that drawings be submitted with the plan.

Confirmed Appointments:

Tax Collector Compensation: Mr. Bennington explained that every four years when the Tax Collector position is up for election, a Resolution comes before the Board of Supervisors setting the compensation for the Tax Collector. In this case the Board is considering compensation for the period of 2006 to 2010.

Mr. Manfredi went over the tax collector rates for other Townships which are lower than what is proposed for the Hilltown Township Tax Collector. The current Tax Collector, Alice Kachline, explained that other townships collect differently and that she is going by dollars collected and she is recommending less remuneration for more tax parcels. She said that this is the third time she has come before the Board of Supervisors and each time they accepted her recommendation which she believes to be very fair to the Township and the Tax Collector.

Mr. Manfredi said that looking at everything in the report the only discrepancy is with regard to the payment for the interims. He said that rather than \$4.00 per interim the rate should be set at \$2.75 per interim.

Ms. Kachline explained that the interim reports generate a great deal of work and the volume of interim reports has contributed to her decision not to run for the office of Tax Collector for the 2006-2010 term. She explained the process which involves many steps and exacting input. The interim reports are generated usually to the developer and then when a deed has been recorded the process must be completely redone to the homeowner.

In one development the developer transferred the entire site to a new developer and never forwarded the interim reports necessitating the entire process being duplicated. She also has to answer questions for new homeowners who do not know and/or understand the process.

After a lengthy discussion, Mr. Manfredi said he would be in favor of paying the base compensation recommended by the Tax Collector and reducing the interims to \$2.50 or \$2.75 or eliminate it entirely. However, his decision on interims will be based upon the rent proposal. For example, if the office is retained in the Township Building at no charge he said he would be in favor of eliminating any interim remuneration.

In response to the Board's question, Ms. Kachline explained that she was paid \$1,872 for interim tax bills in 2004. She said she paid \$2,100 to the Township for rent.

Mr. Egly said he knows how hard the tax collector's job is and what it entails and is in favor of setting the base compensation as proposed by the Tax Collector, maintaining the interim reports at \$4.00 and eliminating the rent charged.

Mr. Manfredi explained that there is an increase under the proposal to eliminate payment for interim tax bills and eliminate rent. He said that Hilltown Township would be paying \$5,000 more to collect taxes than Plumstead Township.

Public Comment: Jackie Walker, Bypass Road, commented that she never understood why the tax collector has to pay rent. She said that since other departments, i.e., police department, do not pay rent why should the tax collector since that is a township position and she is collecting taxes for the Township. Mr. Manfredi explained that the tax collector is an independent business person who also collects taxes for the school district and the county. Mr. Bennington said that he agrees that it is a benefit to the Township to have the Tax Collector's office in the Township Building.

Mr. Jack McIlhinney, Broad Street, asked the Board why the Board would pay more money to the Tax Collector when the 1% per capita tax will be collected by Berkheimer and thus there will be less work involved.

Jean Bolger reminder the Board that with the development in Hilltown there will be more taxes to collect and said she is in favor of Mr. Egly's suggestion and does not care what other townships are paying.

Mr. Jim Sensinger, Rt. 113, asked what the exact compensation is for the Tax Collector and Mr. Bennington explained that the compensation for 2004 was between \$23,000 and \$24,000 for Hilltown Township only. He said that the person running for this position knows the compensation and why would the Board feel a need to raise the compensation when the new person is an unknown quantity and may not even do a good job.

On motion of Mr. Egly, seconded by Mr. Bennington the Board of Supervisors approved Resolution No. 2005-15. The Tax Collector's compensation package for the years 2006, 2007, 2008 and 2008 will include the following:

1. The Tax Collector's compensation for the years 2006, 2007, 2008 and 2008 will be as outlined in the Tax Collector's proposal;
2. No rent shall be paid from the Tax Collector to the Township who takes office in 2006;
3. The per capital tax will be collected by Berkheimer;
4. \$2.00 per interim tax bill.

This motion passed by a vote of 2 to 1 with Mr. Manfredi opposing.

Mr. Manfredi asked that it be noted that he supports the base compensation for the Tax Collector for the next four years, that he supports not charging rent for the Tax Collector at the Township Building but that his vote was based upon the fact that there is an increase in total compensation over and above the base compensation percentage increase.

Appointments to Various Boards and Commissions:

Joe Marino: Mr. Manfredi asked Mr. Marino with respect to the Open Space Committee what he believes is the role of a member of that committee. In response Mr. Marino stated that he believes the role keeps changing but that he has been involved with open space for the past 35 years in the Township. He says it involves how the Township secures open space, what the Township does to get the open space and how the Township encourages property owners to give the open space. He says he believes it involves talking individually to various people. Additionally, he believes the Township needs to find creative ways to find more money to pay for open space.

Mr. Manfredi asked Mr. Marino what he thought about floating a bond issue and/or borrowing money to obtain as much open space as possible. Mr. Marino said he believes if the Township pays a fair price for the land then it will be able to obtain as much as it desires. He said he wants as much open space as possible and if floating a bond issue will accomplish that he is all for it.

Mr. Bennington asked what Mr. Marino felt the responsibility of a Planning Commission member is. Mr. Marino responded by saying he is not opposed to development but rather opposed to agendas to stop development. The Planning Commission's function is to look at any plan that comes to the Township and see how well the plan helps or enhances the Township. Another factor that should be considered before a plan is approved is to look at the individual developer and see what the reasons are for the development. Development cannot be stopped.

Jack McIlhinney: Mr. Manfredi asked what he believes the role of a Planning Commission member is. Mr. McIlhinney responded that the main rule is to review plans that are presented to the Township in accordance with the Ordinances and any rulings from the Zoning Hearing Board. Secondly it is to review the broad scope of plans and noting any changes to procedures and/or ordinances that should be brought to the attention of the Board of Supervisors. Subsequently the Board can then direct the Planning Commission to start working on revisions to ordinances to submit to the Board of Supervisors to enact.

Mr. Manfredi asked Mr. McIlhinney why he applied for both the Planning Commission and Zoning Hearing Boards. Mr. McIlhinney explained that his background is in architecture, planning and construction and site development and he would be well suited to work on either board.

Mr. Bennington commented that Mr. McIlhinney has attended every Planning Commission meeting and every work session and asked what he would change about the function of the Planning Commission. Mr. McIlhinney suggested that he believes the Township is moving in the right direction with its planning and is much more responsive to the people presenting plans to the Township for review and there appears to be a genuine interest in working with the developers.

Shirley Myers: Ms. Myers, who is applying for a position on the Park and Recreation Board, explained that she has been a resident for 30+ years, has 3 children in Pennridge Schools and is interested in helping with the recreational activities and developing more facilities in the Township.

Mr. Manfredi asked what Ms. Myers believes the role of a Park and Recreation board member to be. Ms. Myers said she believes she can contribute in activities because she enjoys those type of activities including raising money for the Silverdale Senior Citizen Center.

In answer to Mr. Bennington's question, Ms. Myers said she attended a Park and Recreation Board meeting in December. Ms. Myers told the Board that she would not mind giving up time for various special events.

Jim Sensinger: said he applied for all three Boards in that there might be a vacancy at any time and that he wants to serve because he has grown up in the Township and wants to help the community in his retirement. He said he believes the more open space that can be deeded to the Township the better.

Mr. Bennington explained that there is one vacancy on the Water and Sewer Authority Board; there are two vacancies plus one open position on the Park and Recreation Board; there is one vacancy plus one open position on the Open Space Committee; there is one vacancy on the Zoning Hearing Board and there are two vacancies on the Planning Commission.

On motion of Mr. Egly, seconded by Mr. Manfredi the Board of Supervisors reappointed John Rankin to serve for a 5 year term on the Water and Sewer Authority Board. This motion passed by a vote of 3 to 0.

On motion of Mr. Manfredi, seconded by Mr. Egly, the Board of Supervisors reappointed Nick Lupinacci and Jane James each to serve for a 5 year term and appoint Shirley Myers to the unexpired term of Bob Wendig on the Park and Recreation Board. This motion passed by a vote of 3 to 0.

On motion of Mr. Manfredi, seconded by Mr. Egly, the Board of Supervisors reappointed Sandy Williamson to serve a 5 year term and Joe Marino to the unexpired term of Kerry Gingrich on the Open Space Committee. This motion passed by a vote of 3 to 0.

On motion of Mr. Egly, seconded by Mr. Manfredi, the Board of Supervisors appointed Joe Kirschner to serve a 5 year term on the Zoning Hearing Board. This motion passed by a vote of 3 to 0.

On motion of Mr. Manfredi, seconded by Mr. Bennington, the Board of Supervisors reappointed Bill Bradley and Chuck Kulesza to serve a 5 year term on the Planning Commission. This motion passed by a vote of 2 to 1 with Mr. Egly opposing.

Correspondence: None.

Mylars for Signature: None

Public Comment: Alice Kachline said that she was satisfied with the contract authorized by the Board for the next Tax Collector. She said that two women who applied for the position of Tax Collector were in the audience and all four interested parties will be in the office this week to observe how the new bills are sent out. She said that if any of these individuals wins the election she feels confident they will do a good job for the Township.

Mary Brennan, Village of Dorchester, asked for an update concerning the water sprinkler system with Telford Water Company. Mr. Bennington said the Board was trying to set up an appointment with Telford Borough to meet face to face to get answers to the residents' questions. The Board told Ms. Brennan that if a resolution could not be reached then they would consider legal action. Mr. Manfredi asked Ms. Leslie to send a letter to Telford to schedule a meeting with Telford Borough.

Jackie Walker, Bypass Road, told the Board that she has lived in the Township for 21 years and explained that she is in favor of the Township purchasing open space/development rights. She said she believes we should have a bond issue to preserve open space. She also suggested that buffer plantings be required to shield development from the highways because it will make the township more beautiful. She said that instead of requiring curbing and sidewalks from the developer we should be requiring more trees and buffer plantings.

Sandy Williamson said that at the recent Route 113 Corridor Summit one idea promulgated was that if the roadway needs to be expanded that a steep cut be maintained on the bank which gives the feel of the old roadways, burying wires underground and buffering requirements along the roadways. For the Open Space Committee she wanted to clarify that the Committee does not and will not threaten anyone to give up their property. She said that the committee is trying to look at sketch plans of developments and trying to get the best design and to secure open space in an attractive, contiguous manner so that it feels like you have as much property as possible. She said she is in favor of a bond issue to fund open space.

Harry Mason, Morgan Lane, said that the recent Route 113 Corridor Summit had some very good ideas. He said that one suggestion was to build cluster developments back from the roadway and have the open space near the roadway to give the area the rural

character that is desired. However, the maintenance of the trees is costly. Rural type fencing will give the impression of a rural residential community.

Jean Bolger mentioned to the Board that Rachel Gerner died on February 14th. She congratulated Mr. Egly on his recent marriage.

Supervisors Comments:

Mr. Manfredi explained that the Board has been asked on a number of occasions if the Board was going to send a representative to Bucks County's Area Agency on Aging and asked if Mr. Mason would be interested in representing the Township.

Mr. Manfredi suggested that an Ordinance be prepared by the Solicitor that would allow any Board Members or appointees to various Boards and Commissions to continue on a month to month basis until their successors were duly appointed. Mr. Manfredi was told by Mr. Marino that no ordinance was needed, only public notice and a public meeting where the candidate was interviewed and that the problem that was created this year need never happen if appointments are made as vacancies occur.

Mr. Manfredi said that with respect to the Township Manager he submitted a model ordinance relating to the appointment of a Township Manager. It is the model for professionals and he asked that the Township Solicitor draft an ordinance based on this ordinance so that when the next Manager is hired it will be in place.

After discussion, on motion of Mr. Manfredi, seconded by Mr. Egly, the Board of Supervisors requested that the Township Solicitor draft an ordinance based on the model ordinance for professionals setting forth the duties and responsibilities of the Hilltown Township Manager. This motion passed by a vote of 3 to 0.

Press Conference: No comment.

Adjournment: On motion of Mr. Manfredi, seconded by Mr. Bennington, the Board of Supervisors voted to adjourn the February 14, 2005 Board of Supervisors work session at 11:23 p.m. This motion passed by a vote of 3 to 0.

Respectfully Submitted

Lorraine Leslie
Assistant Township Secretary

(These minutes were transcribed from tape recordings taken by Lorraine Leslie, and transcribed by Jean Deckert.)