

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARY SCHEDULED MEETING
MONDAY, JUNE 9, 2014**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman John B. McIlhinney at 7:06PM and opened with the Pledge of Allegiance. Also in attendance were Vice-Chairman Kenneth Bennington, Supervisor James Groff, Township Manager Richard Schnaedter, Chief of Police Christopher Engelhart, Township Solicitor Stephen Harris, Director of Public Works Tom Buzby, and Township Treasurer Lorraine Leslie.

1. ANNOUNCEMENTS: None.
2. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.
3. CONSENT AGENDA:
 - a) Minutes of the May 27, 2014 Board of Supervisors Meeting
 - b) Financial Statement for May, 2014
 - c) Developer and Financial Security Agreements – Ivy Hill Equestrian Facility – for signature

Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously to accept and approve items a) through c) on the Consent Agenda as written. There was no public comment.

4. UNFINISHED BUSINESS:
 - a) H & K Presentation – Scott Drumbore was in attendance to discuss Shawn Barnes noise concerns (back up alarms) at Blooming Glen Quarry that was brought up at last month's board meeting. Since April 22, 2014, Mr. Drumbore stated he has done a number of things to mitigate the backup alarm noise. This is associated with the maintenance at the Blooming Glen contractor shop. Unfortunately at that facility, there is not a drive thru shop. There is not a way to completely eliminate backing up during the night. The fueling of the trucks has been eliminated. Mr. Barnes has indicated during the last week, things have been better. Noise monitoring has been done at night and early in the morning to get the assessment of the noise level at the property line, and what is going on, and how it is carrying across the site to towards Mr. Barnes's residence. Between 12:00 AM and 2:00 AM the decibels didn't trigger the meter during the backup alarms at the property line. They are in compliance with the Ordinance but they are not going to ignore it. They are continuing to work with the shop foremen to make

Page 2
Board of Supervisors
June 9, 2014

changes to the facility to eliminate the backup noises at much as they can but to continue to still do what they need to do. There are a number of other ideas including removing the vegetation along Quarry Road and put a berm up but he does not believe that would solve the problem. Taking the vegetation away would be more detrimental. They have to make an assessment for the appropriate next step. They need to get more measurements within the quarry, within the range between the shop and the property line on Quarry Road to get an idea where it is elevating to find the best possible place to do something. Supervisor McIlhinney suggested muffling the sound that is coming out of the vehicles temporarily but Mr. Drumbore stated that is not the best option if something should happen. Supervisor Bennington asked about the number of noise complaints have been received since 2005. Mr. Drumbore stated no noise complaints have been received from 2005-2014 regarding backup alarms. There were no backup complaints from the previous homeowner at that location. Supervisor Groff applauded Mr. Drumbore for trying to do something and not ignore the problem. Mr. Drumbore said the next step is to get more data points between Quarry Road and the shop. Mr. Barnes apologized for the trouble and stated that Mr. Drumbore is corresponding with him and not ignoring the problem. He has been sending updates. There has been some relief for a week and then it continues to happen. He stated that muffling sounded like a good idea but if OSHA says "no", safety is always first. It was noted that OSHA will not allow a strobe either. Supervisor Bennington stated for Mr. Drumbore to continue to monitor and bring a progress report to the next meeting in two weeks.

b) Road Reconstruction/Road Equipment Proposal – Township Manager, Richard Schnaedter discussed the numerous roads that are in desperate need of paving or patch paving due to the extremely bad winter. He estimated the amount that would be necessary to make a substantial dent in the road repairs is \$150,000.00 and asked if the Board would authorize those funds for the following roads: Mill Road - two sections, Keystone Drive at Fairhill, Cherry Road, Cherry Drive, Cherry Lane, Clearview Road, Schultz Road, Swartley Road, Parts of Rickert Road, and Upper Church Road. The road department would complete the paving and patch paving in-house and the material would be purchased under Costars. Director of Public Works, Tom Buzby was in attendance to answer questions. He stated the large amount of salt that was put down this winter dried out a large amount of the asphalt. He could put a substantial dent into the program. Something has to be done to the roads or they will lose them. If they are overlaid properly, they will go another 7 – 10 years before something has to be done to them. Supervisor Bennington questioned if any notification from PennDot has been received in regards to repairing Church Road and Mr. Buzby has not received any notification as of yet. Township Treasurer, Lorraine Leslie, confirmed that the funds are available. Motion was made by

Page 3
Board of Supervisors
June 9, 2014

Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously to authorize approximately \$150,000 for the paving or patch paving of the following roads: Mill Road - two sections, Keystone Drive at Fairhill, Cherry Road, Cherry Drive, Cherry Lane, Clearview Road, Schultz Road, Swartley Road, Parts of Rickert Road, and Upper Church Road. There was no public comment.

Mr. Buzby discussed his search for a used bucket truck. After several months searching for a reasonable used vehicle that would fit within the budgeted \$75,000.00, none were available in the State of Pennsylvania. Mr. Buzby found two 2012 left-overs (new) vehicles with only thirty miles and priced at \$129,000.00. This vehicle would be used in storm damage cleanup, trimming all development street trees, general maintenance around the Township building and other buildings where height is a restriction. Mr. Buzby also mentioned that Delaware Valley Trust endorses the purchase of a bucket truck for the safety of the Township personnel. Township Treasurer, Lorraine Leslie, stated that the Road Equipment fund presently has a balance of \$423,000.00. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously, to authorize going out on bid for the purchase of a new bucket truck for the road department. There was no public comment.

c) Sound System Proposal – Manager Rick Schnaedter stated that the current sound system is almost 25 years old and very unreliable and he has been provided with an estimated quote in the amount of \$14,359.00 for a new speaker system, control panels and rewiring the entire package. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously, to authorize the purchase of a new speaker system. There was no public comment.

d) Fire Billing Ordinance – Mr. Jim Gallagher, President of the Perseverance Volunteer Fire Company, was in attendance to discuss the Fire Billing Ordinance that was present to the Board of Supervisors on April 28, 2014 and is asking for a motion for the Township Solicitor to draw up an Ordinance allowing the fire companies that service Hilltown Township to bill insurance companies in order to recover costs on items that are used and wear and tear on the equipment. Supervisor Bennington stated he supported the Ordinance when he was a previous Supervisor and he fully supports the Ordinance this time and intends to make the motion as soon as the discussion is over. Chairman McIlhinney requested the Township Solicitor's opinion on the proposed Ordinance. Solicitor Stephen Harris stated his opinion hasn't changed since the last time and Mr. Gallagher has been very helpful in getting him the information that he needed. Representative Barrar cited two cases that reached diametrically opposed results saying that one fire company could bill on the theory of "unjust enrichment" for

Page 4
Board of Supervisors
June 9, 2014

its real and reasonable cost and the other case stated that a fire company could not bill for its real and reasonable costs under the theory of "unjust enrichment". Solicitor Harris stated it is his opinion that the fire companies do not have the power to adopt the Ordinance, and, while he is quite sympathetic to the issue, he got in touch with Representative Barrar, who is currently pushing a state statute to authorize such an Ordinance. Solicitor Harris stated his opinion is that until that state statute there is no authority for an Ordinance. Chairman McIlhinney stated that Solicitor Harris is the second solicitor that has given that opinion and he is not sure that it is worthwhile for the Township point of view to spend time, money and effort on something that they have been told that is not legal, the Township insurance, DVIT, will not stand behind the Township with this liability and suggests that supplementary insurance is taken just in case any unforeseen problems arise out of fires and billing as such. The Township should not be part of something that is not legal. If the State permits it, then they can go ahead and pass the Ordinance. Mr. Gallagher questioned if it is not legal, how come almost every municipality around has the Ordinance. Chairman McIlhinney stated that Representative Barrar knows that it is not legal and that is why he is pursuing it. He wants to make sure the taxpayers of the Township are protected and if anything comes out of this, the two individual supervisors who vote for it are liable for it and not the Township. Mr. Gallagher clarified that the fire companies bill the insurance companies and if there no coverage, they get nothing. If the coverage has a limit, then that is what they take. What the insurance company give them, they take. All they want to do is to recover the costs of the materials that they use and the wear and tear on the vehicles. Supervisor Bennington clarified that if the insurance company does not pay, the homeowner does not get billed by the fire companies. Solicitor Harris stated, with fairness to Chairman McIlhinney's position, both of the law suits that Mr. Gallagher sited were brought by homeowners that were billed and they were challenging their right to be billed. Mr. Gallagher stated the fire companies, under any conditions, are not billing homeowners and that can be written in the Ordinance along with what the Township wants the fire companies to do and not to do. Motion was made by Supervisor Bennington, to authorize Solicitor Harris to draft an Ordinance, covering the billing for the fire department with input in regards to not billing the homeowner and other various pieces from the Souderton and Perkasio Ordinances that were discussed. Supervisor Groff, Manager of the Hilltown Water and Sewer Authority, stated they have supported the fire companies since day one. He has two men who work with him that run with Silverdale and one that runs with Quakertown as well. He is in 100% favor of getting something adopted in order to move this forward. He stated he is in favor of Chairman Bennington's motion with the item that input from DVIT gets put in the motion as well. Draft something up to they can take a look at and please keep Chairman McIlhinney in the

Page 5
Board of Supervisors
June 9, 2014

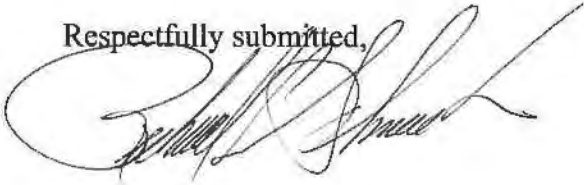
loop with anything that gets done. Solicitor Harris stated he will have an Ordinance drafted by the next meeting. Motion was seconded by Supervisor Groff with the addition to Supervisor Bennington's motion to add the input from DVIT put into the motion. Chairman McIlhinney stated that he is not in favor of the motion but he is in favor of the fire companies receiving what they want. He is just not in favor of doing it until the state law is adjusted accordingly.

Public Comment: Jean Bolger, Route 152, asked if anybody worked with the legislators to move this along. Solicitor Harris said there is an act that is currently pending in front of the legislature and Representative Barrar seems to be leading the charge. Supervisor Groff stated there is not a local representative jumping on the band wagon. Ms. Bolger suggested to Mr. Gallagher to go out to Harrisburg and make them talk to you and listen to you. Chairman McIlhinney responded to Ms. Bolger that at the last meeting, Mr. Gallagher knew that he would have to run this through the legislature. He just wants to put the horse and the cart in the proper position. There was no additional public comment. Motion passed 2-1 with Chairman McIlhinney having the opposing vote. On behalf of all of the firemen and the fire companies, Mr. Gallagher thanked the Supervisor Bennington and Supervisor Groff for their support. It will be a big help for them to maintain the services that they provide to the Township far into the future and they definitely appreciate it a lot. He would also request a copy of the Ordinance so he may take it to the fire panel.

5. NEW BUSINESS: None.
6. SUPERVISOR'S COMMENTS: Supervisor Groff commented that he is glad H&K is talking to Mr. Barnes and he hopes that they come to a resolution.
7. PUBLIC COMMENT: Solicitor Stephen Harris announced that two residents, Pat Chambers and his 14 year old daughter, competed in the World Power Lifting competition in Johannesburg, South Africa and won Bronze and Gold Medals respectively. It was noted that the Township would do a letter of recognition for the two residents.
8. PRESS CONFERENCE: No members of the press were present.
9. ADJOURNMENT: Upon motion by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously, the June 9, 2014 Hilltown Township Board of Supervisors Meeting was adjourned at 8:07PM.

Page 6
Board of Supervisors
June 9, 2014

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard C. Schnaedter". The signature is written in a cursive style with a large initial "R" and "S".

Richard C. Schnaedter
Township Manager/Secretary

(*NOTE: These minutes were transcribed from notes and recordings and should not be considered official until approved by the Board of Supervisors at a public meeting).