

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, April 12, 2010
7:00PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman John B. McIlhinney at 7:03PM and opened with the Pledge of Allegiance.

Also present were: Barbara A. Salvadore, Vice-Chairperson
 James C. Groff, Supervisor
 Christopher S. Christman, Township Manager
 William E. Wert, Asst. Mgr./Dir. of Parks, Rec. and Open Space
 Judy Stern-Goldstein, Township Planner
 Christopher E. Engelhart, Chief of Police
 Lynda S. Seimes, Township Secretary

A. ANNOUNCEMENTS:

1. The Board met in Executive Session prior to this meeting in order to discuss legal matters and for informational purposes.

2. An Arbor Day/Earth Day Event will be held at the Forest Road Park on Saturday, April 24, 2010 at 10AM where a volunteer tree planting will take place.

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

C. CONSENT CALENDAR:

- Minutes of the March 22, 2010 Supervisor's Meeting
- Bills List dated April 13, 2010
- Financial Report for month of March 2010

Chairman McIlhinney noted the following correction to page 4, last paragraph, last sentence of the March 22, 2010 minutes, which should state: "His discussion with the **Solicitor** General's office revolved around subscribers to individual EMS squads not being charged if they used the service of another EMS service in Hilltown to which they were not a member."

Motion was made by Supervisor Salvadore, seconded by Supervisor Groff, and carried unanimously to approve and accept the Consent Calendar with the correction to the March 22, 2010 meeting minutes as noted above. There was no public comment.

D. UNFINISHED BUSINESS:

1. Draft ATV Ordinance Discussion – On July 30, 2008, a draft ATV Ordinance was sent to a group of interested individuals comprised of a mix of those who oppose and/or support the use of ATV's in order to solicit input and gain additional perspective on how best to regulate

ATV usage in Hilltown, if at all. A total of 38 packets of information were mailed, with 16 responses received. The results of the survey, along with a copy of the adopted East Rockhill Township ATV Ordinance were included in the Supervisor's packets for review this evening.

This issue was last discussed at the September 28, 2009 Supervisor's meeting, where the minutes note that the Board would take all of the comments and suggestions heard that evening into consideration while making revisions to the proposed Ordinance for consideration at a future meeting.

Chairman McIlhinney commented that the East Rockhill Ordinance appears to have a more simplified format, and suggested that perhaps a modified version, focusing only on the noise/decibel level criteria could be considered, however he is not certain that it should even be pursued at this point. Supervisor Salvadore felt that the draft Ordinance could be simplified, yet still be enforceable. Supervisor Groff questioned how common sense can be legislated. He believes that the ATV industry has done an excellent job of providing for noise deterrents through stock parts, etc. and noted that it is only when riders modify the ATVs or motorbikes that noise becomes a contentious issue. If the draft Ordinance is modified to only address noise issues, Supervisor Groff commented that a decibel meter would have to be purchased and perhaps someone would have to be certified to operate it. Discussion took place. Supervisor Groff was not interested in pursuing the issue any further. Chairman McIlhinney is willing to listen if Supervisor Salvadore wishes to pursue the draft ATV Ordinance one more time. Supervisor Salvadore advised that she will meet with Chief Engelhart to come up with a more simplified, modified version of the draft ATV Ordinance for the Board's final consideration at the May 10th meeting.

2. Discussion of Hilltown Township EMS Service Areas – The Board has been trying to develop a policy to provide annual funding for ambulance services within the Township. Mr. Christman's memo to the Board dated April 7, 2010 was discussed and considered.

Question #1 – How many squads will serve as primary dispatch? The squads currently under consideration include Souderton, Chal-Brit, Grandview, and Point Pleasant-Plumsteadville. Currently all four squads are being dispatched by Bucks County 911 into Hilltown Township based on closest due. Additionally, the Board must consider whether it wishes to include QRS units.

Supervisor Salvadore suggested that the existing four primary service providers be approved, but not QRS units. Supervisor Groff agreed. Chairman McIlhinney agreed as well, with a caveat that the issue of distribution of public funds will be considered separately. The Board unanimously agreed that the above-noted four squads will serve as primary dispatch for Hilltown Township with first-due as determined by Bucks County.

Question #2 – Does the Board wish to utilize a service agreement? A draft service agreement was prepared by Solicitor Grabowski and discussed on several occasions since June 30, 2009. To date, no changes were made to the draft. The agreement sets service standards and reporting requirements for squads, and also stipulates that the primary EMS squads servicing Hilltown would honor the subscription plans of the other primary EMS squads.

Supervisor Salvadore is not certain a formal agreement is necessary, and suggested that a more simplified version than the original draft be considered. Supervisor Groff agreed, and suggested that a Resolution outlining the specific information that will be required from the four squads be drafted, in place of a formal agreement. Chairman McIlhinney was content with the draft service agreement as prepared by Solicitor Grabowski, now that there is a clear understanding among the four EMS services to honor each other's subscriptions, which is not prohibited by Medicare or any other agency.

Chairman McIlhinney referred to the draft agreement, noting the suggested corrections/additions:

- Page 1, Section 2.b., Scope of Services - which should state "The EMS agrees to provide assistance to all other appointed EMS which service the Township in the event that such assistance is deemed necessary by the requesting EMS **or requested by 911 Emergency Dispatch.**"
- Page 2, Section 4 – Compensation for Services – Chairman McIlhinney feels this section should be divided into two paragraphs as such:

"(a) In compensation for the **voluntary non-profit** EMS services and in compensation toward the EMS continued acquisition and maintenance of appropriate emergency vehicles and equipment, the Township agrees to provide a contribution to the **voluntary non-profit EMS services** in an amount to be established annually by Township Resolution; and disbursed in semi-annual installments no later than July 1st and December 31st of the calendar year. The annual contribution to the **voluntary non-profit EMS services** by the Township for the term of this Agreement is hereby established to be \$ _____."

(b) The EMS agrees and acknowledges that the Township shall permit the EMS to solicit voluntary contributions from residents and businesses in the Township only within the designated service district and with prior Township approval of the content of the subscription plan. The Township shall have the ability of prior approval of the written content of any notice of service or payment plan subscription. The Township acknowledges that the EMS shall have the ability to submit billings to third party insurance companies whether or not the EMS patient is a member of the EMS subscription plan; but the Township shall not have any

involvement in an attempt of enforcement regarding third party insurance company billing.”

Chairman McIlhinney notes that if the above paragraph is divided into two sections as he has proposed, it would clearly delineate between the one for-profit EMS service (Grandview), and the remaining three non-profit EMS services. This designation would allow the Township to contribute monetarily to the three non-profit services only, with the one for-profit EMS service being granted permission to solicit subscriptions within their Bucks County first-due service designation area in Hilltown Township.

- Pg. 3, Section 6.k – EMS Administrative Obligations – should state “Documentation of all calls which the EMS is dispatched within the geographical limits of the Township shall be provided by the EMS monthly by the 15th day of the following month, and said documentation shall include **being segregated by within the designated services areas, and outside the designated service areas, as well as the following:**

- (1) Time the call was received;
- (2) Time the responding unit is enroute to the scene;
- (3) Time the unit arrives at the scene;
- (4) Time the unit departs the scene for the medical facility;
- (5) Time the unit arrives at the medical facility;
- (6) Time the unit is back in service.

Chairman McIlhinney believes that the above noted language would provide the Township with a clear breakdown of how the EMS services are doing both within their own area, and also outside their area, which would provide tracking for the Manager to determine if all squads are honoring each other’s subscription plans.

- Page 4, Section 9 – Agreement to Honor Subscription Plans of Other EMS Providing Service to Hilltown –

Chairman McIlhinney questioned the language permitting the EMS squads a one-year transition period to provide an agreement and letter of understanding with other EMS squads that recognize subscription plans of other EMS providers.

Personally, Supervisor Groff does not feel that a Service Agreement is necessary, and would support the suggestion of drafting and adopting a simple Resolution. Supervisor Salvadore agreed. With respect to each squad honoring the other’s subscription plans, Supervisor Groff does not feel the Township has the right to dictate how each squad conducts business. Discussion took place.

Public Comment:

1. Mr. Mike Tuttle of Pt. Pleasant-Plumsteadville Ambulance Squad understands Chairman McIlhinney's suggestion that the four EMS squads honor each other's subscriptions, which would certainly be a benefit to Hilltown residents however he noted that it is not practical. Upon running Chairman McIlhinney's street address through the 911 system, Mr. Tuttle discovered that the second-due ambulance to that location was Central Bucks EMS, which is not one of the four EMS squads now recognized by Hilltown Township. Therefore, Central Bucks EMS, not one of the designated four EMS services, would be billing Chairman McIlhinney for the balance due. Mr. Tuttle explained that a fifth, sixth, or even seventh-due EMS squad would not honor the subscriptions of the four Hilltown-designated EMS squads, nor could they be forced to since Hilltown is not providing them with any funding or permitting them to solicit funds from their residents.

2. Mr. Russ Leets of Chal-Brit Ambulance is not 100% convinced at this time that honoring other EMS subscriptions for first-due is legal according to the letter from the Solicitor General's Office. The letter did not apply directly to the situation that is being experienced in Hilltown rather it applied to three municipal-owned EMS services, which are fully funded through that municipality. Lengthy discussion occurred.

Question #3 – Does the Board desire a map to define service areas? Mr. Christman made numerous attempts to work with Bucks County Emergency Services and the Bucks County Planning Commission to obtain a blank box card map to assist with understanding how the squads are currently dispatched by 911. While the County was helpful in preparing a draft service area map based upon Supervisor Salvadore's earlier recommendations, it does not appear that the blank box card service area map will be forthcoming from the County.

Mr. Leets explained that he reviewed the MDT (Mobile Data Terminal) box card map to determine the first and second-due squads according to the Bucks County Dispatch as of this moment. The map in the Board's packet this evening provides for the first and second due EMS services exactly as they would be dispatched by Bucks County within Hilltown.

Mr. Christman was directed to prepare a draft Resolution outlining requirements for EMS service such as the four identified squads furnishing the Board with copies of the following reporting responsibilities, such as an annual Audit Report/Budget, a copy of Annual Independent Auditor's Report of Financial Statements, and a copy of IRS Certification of not-for-profit status. Supervisor Groff also suggested that maps be provided by each of the four squads showing their historic first-due service area that could be posted on the Township website. It was noted that despite repeated attempts, Bucks County EMS has been unable or unwilling to provide the Township with a first-due EMS response map as has been repeatedly requested. The Board requested that all four EMS squads provide Mr. Christman with what they consider their first-due and second-due map as dispatched by Bucks County for confirmation and verification.

Question #4 – In the FY2010 Budget, \$42,000.00 has been allocated, how does the Board wish to divide this allocation? The FY 2009 Ambulance Call Volume as provided by Bucks County was reviewed. Mr. Christman was directed to verify with the four ambulance squads the accuracy of the 2009 call volume totals as provided by the County.

Chairman McIlhinney requested that proof of non-profit status be obtained from Grandview EMS.

Discussion took place as to the various options for allocation of funds to each of the four EMS squads. It was determined that only the four designated ambulance squads would receive funding based upon the percentage of the FY2009 call-volume as provided by Bucks County. It was also decided that going forward the yearly allocation of funding to the EMS squads would be determined on an annual basis during the budget process.

Supervisor Groff suggested that half of the allotted \$42,000.00 be distributed to ambulance services, with the remaining half being allocated to fund the Police contract arbitration award, which was recently handed down. Supervisor Salvadore disagreed, and requested that the total \$42,000.00 be distributed to the four EMS companies. Chairman McIlhinney concurred with Supervisor Salvadore's request, provided the proof of non-profit status is submitted from Grandview EMS. As far as the Police arbitration award, Chairman McIlhinney commented that it will be interesting to learn the taxpayers' reaction to the settlement award.

There was no further discussion.

3. Consideration of adoption of Blooming Glen Village Planning Study – On July 14, 2009, the volunteer Blooming Glen Village Study Group voted unanimously to recommend approval of the Blooming Glen Village Study by the Board of Supervisors. Ms. Judy Stern-Goldstein, Township Planner, was present to discuss the results.

Chairperson McIlhinney took issue with the reference to the word "historic" throughout the document. Ms. Stern-Goldstein explained that several of those "historic" references were attributed to responses provided by the residents during the Community Visioning Session that was held. Chairman McIlhinney wished to make it clear that this document is not a zoning or planning document that the Township adheres to or enforces like a Zoning Ordinance. Supervisor Groff confirmed with Ms. Stern-Goldstein that the Blooming Glen Village Planning Study is simply a planning tool, which includes recommendations by the Study Group and comments made by the attendees of the Community Visioning Session. Adoption of the Planning Study does not obligate the Township to complete any of the suggested goals or recommendations. Ms. Stern-Goldstein commented that this document is a planning tool to help facilitate the future procurement of additional grants and is the basis for moving forward if the Township so desires.

Chairman McIlhinney also expressed concern that this planning tool could be misconstrued as a document that mandates action. He further questioned the fact that the map shown in the Study incorporates several surrounding large properties and farmlands as a part of the Village of Blooming Glen, even though those adjacent parcels are clearly not part of the VC (Village Center) Zoning District. Ms. Stern-Goldstein stated that the area comprised of the VC District is the Zoning District, and should not be confused with what has been or is considered the Village of Blooming Glen. The limits of what is considered the "Village of Blooming Glen" has never been defined, it is just the VC Zoning District which has been defined. She noted that the Blooming Glen Village Committee members defined the limits of the Village as shown in the Study, which includes the ring of farmland around the more densely populated center at the Blooming Glen Road/Rt. 113 intersection. After lengthy discussion, Chairman McIlhinney agreed to meet with Ms. Stern-Goldstein within the next two weeks to make his suggested revisions.

The Board unanimously agreed that this issue would be placed on the April 26, 2010 Supervisors meeting agenda for further consideration.

4. Establish criteria for Hilltown Township Community Service Award – Chairman McIlhinney suggested that criteria should only be established if and when the Board agrees upon a specific individual or group to bestow the award upon. He does not believe that previously established criteria for the former Jack Fox Award should necessarily apply. For instance, Chairman McIlhinney does not feel it is necessary for the awardee(s) to be members of a Township Board or Commission, nor should it be necessary for the individual or group to reside in the Township. Supervisor Salvadore agreed, noting that she would certainly consider an individual's (or organization's) service to the community, an employee of the Township, a business, an elected official, or even an outside agency that has contributed to the good of the Township. Supervisor Groff suggested that a form be placed on the Township website for residents to nominate individuals and/or groups of individuals to be considered for the Township's Community Service Award. The Board could then review those nominations and determine whether or not to bestow the award to a nominee or to consider a nominee of their own choosing. Chairman McIlhinney asked that when the award is bestowed, it should be done by Resolution. Following discussion, the Board of Supervisors unanimously agreed to the above noted suggestions. Mr. Christman was directed to prepare a nomination form and place it on the Township's website.

5. Parks, Recreation and Open Space Update:

(a) Easter Egg Hunt – A very successful Easter Egg Hunt was held on Saturday, April 3rd, with 4,000 eggs retrieved in a 4 minute time frame. Mr. Wert thanked Officers Lou Bell and Chris Ferry for their assistance with traffic control, as well as the PROS Committee for their assistance with the event.

(b) Spring/Summer Brochure – The most recent recreation brochure was mailed to every property owner within the past few weeks, with the goal of a second brochure to be mailed in August/September for Fall and Winter programming.

(c) Forest Road Park – Phase II Improvements – Mr. Wert's memo dated April 7, 2010 regarding the modified Phase II construction plan as prepared by Mr. Wynn was discussed. The modified plan incorporates suggestions as made by the Supervisors at their March 8, 2010 meeting.

Motion was made by Supervisor Salvadore, seconded by Supervisor Groff, and carried unanimously to authorize proceeding with preparation of all necessary permits and bid documents for the paving, binder course only, of the main park road off Forest Road, paving of the modified parking lot and the construction of the modified trail plus purchase of three (3) benches to be placed along the trail, as outlined in Mr. Wert's memo dated April 7, 2010. There was no public comment.

(d) Civic Park Playground – With respect to discussions at the March 8, 2010 Supervisors meeting pertaining to replacement of the playground structure at the Civic Park, Mr. Wert's recommendations have been captured in his memo dated April 7, 2010.

Motion was made by Supervisor Salvadore, seconded by Supervisor Groff, and carried unanimously to authorize proceeding with the purchase and installation of new playground structure at the Hilltown Civic Park as proposed within Mr. Wert's memo to the Board dated April 7, 2010 to include installation of an engineered wood carpet product, purchase of proposed playground structure, and installation of all new equipment by a certified Playground Safety Installer, including the boarder panels at prevailing wage. There was no public comment.

(e) Scout Cabin Review – Mr. Wynn's correspondence dated March 30, 2010 noting recommendations for the Scout Cabin/Blooming Glen Playground, along with Mr. Wert's April 7, 2010 accompanying memo were discussed.

Mr. Wynn's review notes that while the Scout Cabin is not in imminent danger of collapse, he expects that there would be significant cost involved to make the necessary repairs. The structure is a concrete block building with frame roof in poorly maintained condition, with numerous vertical cracks in the mortar joints of the concrete block walls, especially in the northwest corner of the structure. It appears to Mr. Wynn that the most likely cause of the cracks is insufficient foundation construction; footer depth, size or strength, or a combination of the three. This is further compounded by saturated soil conditions and poor grading around the structure which reduces the soil bearing capacity beneath the footer and depending on footer depth, may result in periodic frost heave. Mr. Wynn's review notes that if the structure is to be retained, grading in the vicinity of the structure must be addressed such that runoff from both the roof and the adjoining woodland is directed away from the foundation.

From a parks and recreation perspective, Mr. Wert's memo advises that the Scout Cabin location within Blooming Glen Park is perfect for the emerging programs being offered by the Parks, Recreation and Open Space Department. Despite not being maintained sufficiently over the years, it is still suitable for holding recreational programs.

The Board unanimously agreed to authorize Mr. Wynn to provide a cost estimate for a full structural analysis of the Scout Cabin building for the Board's consideration before proceeding with possible repairs and renovations.

(f) Jack Fox Recognition Opportunities – Mr. Wert's memo dated April 7, 2010 with ten different suggestions was discussed and considered.

Supervisor Salvadore suggested that a park bench be installed in honor of Mr. Fox near the Thomas Musselman Barn in the Hilltown Civic Park. Both Chairman McIlhinney and Supervisor Groff were not inclined to provide any special recognition to former Supervisor Fox. Supervisor Groff noted that it would not be fair to other former Township Supervisors, all of whom has been recognized on the bronze plaque in the lobby, and through memorial tree plantings here at the Municipal Building.

E. NEW BUSINESS:

1. Consideration of Resolution authorizing Bucks County Tax Collection Committee to apply for State Grant Funding – Mr. Christman's memo dated April 7, 2010 providing an update of the Bucks County Tax Collection Committee's latest meeting, was discussed.

Motion was made by Supervisor Salvadore, seconded by Supervisor Groff, and carried unanimously to **adopt Resolution #2010-14, authorizing the Bucks County Tax Collection Committee to file an application with the Pennsylvania Department of Community and Economic Development for a grant to assist the TCC with start-up costs.** There was no public comment.

*****Chairman McIlhinney called for a short recess at 8:55PM. The meeting was reconvened at 8:58PM.**

2. Consideration of a revised CDL Policy for Hilltown Township – Mr. Christman's memo dated April 9, 2010 was discussed.

Supervisor Salvadore questioned the draft Policy, page 6, Section VI, Test Standards, Paragraph A, Alcohol Testing, which states, in part, "Any employee receiving an alcohol test result of greater than or equal to 0.02% breath alcohol level, but less than 0.04% hreath alcohol level, shall be removed from safety-sensitive duties for 24 hours." Chief Engelhart does not know

what the significance of 0.02% is, other than perhaps it was based on Federal requirements, however he will inquire further.

Chairman McIlhinney questioned the section of the proposed Policy requiring the employee to notify their supervisor if taking a prescription drug. Lengthy discussion occurred.

Motion was made by Supervisor Salvadore, seconded by Supervisor Groff, and carried unanimously to **adopt Resolution #2010-15, establishing and accepting the revised CDL Policy for Hilltown Township.** There was no public comment.

3. Discussion to consider establishing monthly staff meetings – As Manager of the Hilltown Authority, Supervisor Groff has always found that holding monthly staff meetings creates a team approach and is very productive for the Solicitor and Engineer to remain abreast of critical issues. Therefore, Supervisor Groff would like to reinstitute the policy of holding monthly staff meetings to include the Township Manager, Solicitor, and Engineer. He feels it is an excellent tool to share the knowledge and experience that Solicitor Grabowski and Mr. Wynn can provide simply due to their longevity in those positions. Supervisor Salvadore was agreeable to the suggestion, noting that often times holding a staff meeting generates conversation and shared ideas, as well as supporting the team approach.

Chairman McIlhinney recalls that this practice was discontinued a few years ago, he believes at the behest of the Solicitor and Engineer themselves, due to lack of business and the cost of having the professionals attend. Mr. Christman agrees that staff meetings can be a very effective planning tool however it is his opinion that staff meetings should only be held to address specific issues. Many of his conversations with the Solicitor and Engineer occur via email or through phone calls, which seems to be sufficient to address any outstanding issues.

Supervisor Salvadore cannot imagine that there would not be plenty of matters to discuss at a monthly staff meeting, particularly issues that are raised at the bi-monthly Supervisor's meetings. Supervisor Groff agreed and suggested that Mr. Wynn and Mr. Grabowski provide opinions as to whether or not reinstating monthly staff meetings would be beneficial. Chairman McIlhinney stated that he is not opposed to monthly staff meetings however he wants to insure that it is worthwhile and that those meetings would be cost effective. Mr. Christman had spoken to Mr. Wynn last week, who expressed his opinion that an additional monthly meeting would be unnecessary, noting that most outstanding issues can be resolved via phone calls or emails.

Personally, Supervisor Salvadore values the history and experience that Mr. Wynn and Solicitor Grabowski provide, and feels it is imperative that Mr. Christman understands the background of many issues that can only be obtained through their recollection. Discussion took place. The Board directed Mr. Christman to obtain Solicitor Grabowski and Mr. Wynn's opinion about reinstating monthly staff meetings. Supervisors Salvadore and Groff both stated that they would speak to the professionals as well.

4. Chairman McIlhinney announced that the arbitrator in the 2009 thru 2012 Police Contract matter has rendered a decision, and the final arbitration document is now available for public review.

F. ZONING HEARING BOARD ADVISORIES: None.

G. SUPERVISOR'S COMMENTS: None.

H. PUBLIC COMMENT: None.

I. PRESS CONFERENCE: No questions were asked by those reporters present.

J. ADJOURNMENT: Upon motion by Supervisor Salvadore, seconded by Supervisor Groff, and carried unanimously, the April 12, 2010 Hilltown Township Board of Supervisors meeting was adjourned at 9:12PM.

Respectfully submitted,



Lynda Seimes
Township Secretary

(*These minutes are not considered official until approved and accepted by the Board of Supervisors at a public meeting).