

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
REGULARLY SCHEDULED WORKSESSION MEETING  
Monday, September 9, 2002  
7:30PM**

The regularly scheduled worksession meeting of the Hilltown Township Board of Supervisors was called to order by Chairperson John S. Bender at 7:30PM and opened with the Pledge of Allegiance.

Also present were: Kenneth B. Bennington, Vice-Chairperson  
Betty P. Snyder, Supervisor  
Gregory J. Lippincott, Township Manager  
Francis X. Grabowski, Township Solicitor  
Thomas A. Buzby, Director of Public Works  
Christopher Engelhart, Lieutenant  
David W. Taylor, Code Enforcement Officer  
Lorraine E. Leslie, Township Treasurer

Chairperson Bender announced the Board met in Executive Session following the August 26, 2002 Supervisor's meeting in order to discuss legal matters, met at Seylar Elementary School on Friday, August 30, 2002 at 4:00PM for fact finding regarding the Seylar School renovations, and also met prior to this meeting in order to discuss legal and personnel matters.

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY:

1. Mr. Jackson Teed of Mill Road asked the status of the Mill Road drainage problem. Mr. Lippincott advised that Mr. Wynn, the Township Engineer, is working on cost estimates to place the repairs in the 2003 Budget. Mr. Wynn and Mr. Buzby, the Director of Public Works, met with County officials at the site several weeks ago.

B. APPROVAL OF CURRENT BILLING – Chairperson Bender presented the Bills List dated September 10, 2002, with General Fund payments in the amount of \$76,924.25, and State Highway Aid Fund payments in the amount of \$19,711.14; for a grand total of all payments in the amount of \$96,635.39.

Motion was made by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List dated September 10, 2002, as written. There was no public comment.

C. TREASURER'S REPORT – Chairperson Bender presented the Treasurer's Report with the following balances as of August 31, 2002:

General Fund Checking	\$ 119,842.57
Payroll Fund Checking	\$ 106.83

General Reserve Fund	\$ 422,290.84
Open Space Fund	\$ 303,415.30
Fire Fund Checking	\$ 55,833.48
Debt Service Fund Checking	\$ 241,403.54
State Highway Aid Fund Checking	\$ 238,416.65
Escrow Fund Checking	\$ 815,738.70
Capital Projects Fund	\$ 1,158,779.82

Motion was made by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously to approve the Treasurer's Report dated August 31, 2002, subject to audit. There was no public comment.

D. PUBLIC WORKS REPORT – Mr. Thomas A. Buzby, Director of Public Works – Mr. Buzby read the Public Works Report for the period of August 11<sup>th</sup> through September 7<sup>th</sup>, 2002, a copy of which is on file at the Township office.

Bid #2002-9 for ID#2 Wearing Course was opened on Friday, September 6, 2002 at 1:00PM. Bid results are as follows:

Blooming Glen Contractors Blooming Glen, PA	Leveling Course \$35.25/Ton ID#2 Wearing Overlay \$35.25/Ton	\$ 80,299.50 <u>\$ 228,314.25</u> \$ 308,613.75
Bracalente Construction Bath, PA	Leveling Course \$38.20/Ton ID#2 Wearing Course \$38.20/Ton	\$ 87,019.60 <u>\$ 247,421.40</u> \$ 334,441.00
P.K. Moyer and Sons, Inc. Earlington, PA	Leveling Course \$42.50/Ton ID#2 Wearing Course \$39.75	\$ 96,815.00 <u>\$ 257,460.75</u> \$ 354,275.75
Trinity Paving Co. Plymouth Meeting, PA	Leveling Course \$41.90/Ton Tack Coat \$.10/Ton ID#2 Wearing Course \$39.30/Ton	\$ 95,448.20 \$ 6,600.00 <u>\$ 254,546.10</u> \$ 356,594.30
S.A. Macanga, Inc. West Chester, PA	Leveling Course \$43.52 ID#2 Wearing Course \$43.52	\$ 99,138.56 <u>\$ 281,879.04</u> \$ 381,017.60

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to award Bid #2002-9 for ID#2 Wearing Course to Blooming Glen Contractors in the total amount of \$308,613.75. There was no public comment.

Letters were hand delivered to all residents of Moyer Road notifying them that the road will be closed on Monday, September 16, 2002 from 7:00AM to 3:30PM for culvert pipe replacement.

With the bee infestation at the Hilltown Civic Park, Mr. Buzby advised that the sand volleyball pit would be tarped with black plastic in order to alleviate the problem.

Discussion took place concerning the condition of the Civic Park soccer field.

E. POLICE REPORT – Lt. Christopher Engelhart – Lt. Engelhart read the Police Report for the month of August, 2002; a copy of which is on file at the Township office.

Lt. Engelhart advised that the American flag will be lowered to half staff on Wednesday, September 11, 2002 to commemorate those that lost their lives last September 11<sup>th</sup>.

The Hilltown Police Department will be involved in a joint Bucks/Montgomery County DUI checkpoint along the Rt. 309 corridor on Friday, September 13, 2002.

The Police Department will be accepting applications for the position of police officer until October 1, 2002.

F. BUILDING REPORT – Mr. David W. Taylor, Building Inspector – Mr. Taylor presented the Building Report for the month of August, 2002; a copy of which is on file at the Township office.

Some time ago, Mr. Taylor received a complaint regarding the Archie's Pizza property. In mid-winter of 2001, Mr. Taylor sent correspondence to the property owner, inspected the site, and followed up with an Enforcement Notice. At that time, Archie's Pizza was cited for operating a G5 Contracting Business in the RR Zoning District. In conjunction with that violation, the property owner had outside storage display, and there was also some question as to whether or not the Archie's Pizza use had expanded from the previous use. Following that, the Township received correspondence from the property owner and their attorney, listing the steps they intended to take to rectify the situation. A 30-day extension was granted, and some of the outside storage and display was removed. The contracting business was partially removed from the site as well. Unfortunately, the site is beginning to revert to the original condition that generated complaints. Referring to a 1991 land development plan for the site, Mr. Taylor explained that the property contains a one-story dwelling, a two-story dwelling, two apartments, and the Archie's

Pizza industrial building. In June or July of this year, Mr. Taylor discovered that Archie Pizza had gone out of business. Throughout this entire process, Mr. Taylor believed and continues to believe that this site should appear before the Zoning Hearing Board. There is again intent by the property owner to apply for a variance from the Zoning Hearing Board, however this matter has continued for over 8 months. The original complainants are requesting that the Board direct Mr. Taylor to turn this matter over to the Township Solicitor for prosecution. In fairness, Chairperson Bender believes that correspondence should be sent one last time to the property owner and their attorney before proceeding with prosecution. Solicitor Grabowski suggested that he forward correspondence to the property owner indicating that the matter has been assigned to him by the Zoning Officer, asking if there is any reason why the Township should not pursue a complaint with the District Justice. The Supervisors agreed.

G. HILLTOWN AUTHORITY REPORT – No one was present. A copy of the Hilltown Authority Report for the month of August, 2002 is on file at the Township office.

Mr. Lippincott advised that County officials have placed Bucks County in drought emergency. Residents can call the Hilltown Authority at 215-453-6065 for details or visit PADEP's website at [www.dep.state.pa.us](http://www.dep.state.pa.us). Discussion took place concerning the possibility of banning open burning during the drought emergency.

Motion was made by Supervisor Bennington, seconded by Supervisor Snyder, and carried unanimously to re-institute the burning ban for Hilltown Township for the length of the drought emergency in Bucks County. There was no public comment.

H. HILLTOWN FIRE COMPANY REPORT – No one was present.

I. SILVERDALE FIRE COMPANY REPORT – Mr. John Gillespie – Mr. Gillespie read the Silverdale Fire Company Report for the month of August, 2002; a copy of which is on file at the Township office.

J. PLANNING COMMISSION REPORT – Mr. John Kachline, Chairperson – Mr. Kachline presented the Planning Commission Report for their worksession meeting of September 5, 2002; a copy of which is on file at the Township office.

Public Comment:

1. Mr. Joe Marino of Redwing Road requested that any comments or recommendations from the Planning Commission to be incorporated into the proposed Comprehensive Plan be provided to the public prior to receipt by the Board of Supervisors. A lengthy discussion took place.

2. Mr. Jack McIlhinney, representing the Hilltown Landowner's Association, noted that residents have not yet had the opportunity to review the Planning Commission's proposed draft of the Age-Restricted Community Ordinance. Mr. Lippincott explained that once the Planning Commission submits the proposed draft to the Township, it will become a public document and will be available for review. Mr. Kachline noted that the draft Ordinance, which is nothing more than a working document at this point, was written by the Planning Commission and just recently submitted to the Township Secretary for typing. Hopefully, the draft will be available for public review at the next Planning Commission meeting scheduled for September 16, 2002.

Supervisor Bennington requested clarification from Solicitor Grabowski as to when a copy of a proposed draft Ordinance prepared by the Planning Commission is required to be provided to the public for review. Solicitor Grabowski explained that since this is simply a working document that has not yet been reviewed by the Engineer, Solicitor, or even the Township Manager, the Planning Commission does not necessarily have to share it with anyone until it is in a form they intend to present to the Board of Supervisors. He noted that there is no requirement, at this stage of the planning process, to provide copies of the draft Ordinance to the public.

At the last Supervisor's meeting, Mr. McIlhinney mentioned the fact that the Planning Commission was reviewing possible Ordinance amendments with regard to eliminating 50,000 sq. ft. lots with public water in the RR Zoning District. Two of the Supervisor members told him at that time, that they had provided no direction to the Planning Commission to do so, yet Mr. McIlhinney stated that Mr. Kachline, at the last Planning Commission meeting, indicated that one of the Supervisors, specifically Supervisor Bennington, had directed him to begin working on that Ordinance. Supervisor Bennington advised that in 1995 as part of the Zoning Ordinance revision, he and then Supervisor Jack Fox agreed that a three-acre minimum would be the lot size in the RR Zoning District, with the caveat that it would be dropped down to 50,000 sq. ft. if public water was available to the site. Being a proponent of that thinking, Supervisor Bennington stated that he would not direct the Planning Commission to do something to contradict that. A lengthy, heated discussion took place. Chairperson Bender reminded Mr. McIlhinney that regardless of all the hearsay that is going on, the Planning Commission is a recommending body that cannot make decisions or pass policy.

K. PARK AND RECREATION BOARD REPORT – Mr. Jon Apple, Chairperson – Mr. Apple presented the Park and Recreation Board Report for the month of August, 2002.

The William H. Bennett, Jr. Tree Planting is scheduled for Saturday, September 21, 2002 at 9:30PM. A Liberty Elm Tree will be planted in Mr. Bennett's memory.



With regard to the Forest Road Park, preliminary plans have been submitted by Spotts, Stevens, and McCoy, incorporating comments and suggestions provided by residents at a public meeting. Discussion took place.

Final interviews of candidates for the vacancy on the Park and Recreation Board will be held on Thursday, September 12, 2002 at the regularly scheduled meeting.

L. OPEN SPACE COMMITTEE REPORT -- No one was present.

Public Comment:

1. Mrs. Marilyn Teed of Mill Road recently interviewed for a vacancy on the Open Space Committee, and discovered that the only issue they appeared to be interested in was purchasing ground. Mrs. Teed commented that the Open Space Committee did not appear to have any other ideas or suggestions for keeping space open in Hilltown. She recently had an opportunity to speak to a man named Mr. Funk, who owns a parcel on Broad Street, but who leases land in Plumstead Township for his electrical contracting business, since he cannot operate his business from the Hilltown property. Mrs. Teed does not understand how an individual in Hilltown is permitted to have one commercial vehicle for one acre of land, but Mr. Funk cannot have thirteen commercial vehicles on his thirteen acre property. Chairperson Bender understands Mrs. Teed's point, and explained that the Open Space Committee was at one time focused on passing the Open Space Referendum and acquiring open space land. However since the referendum has passed, there needed to be an expanded scope of work for the Committee to do, which encompasses some ideas other than just purchasing land. Mrs. Teed also heard from the Open Space Committee members that they never wanted the Committee to be reduced to five members. Chairperson Bender noted that the Open Space Committee has brought that issue to the Board's attention.

M. ZONING HEARING BOARD REPORT -- Mr. John Snyder, Chairperson -- Mr. Snyder read the Zoning Hearing Board Report for the month of August, 2002; a copy of which is on file at the Township office.

Public Comment:

1. Mrs. Marilyn Teed of Mill Road commented that when her Zoning Hearing meeting was announced, Solicitor Grabowski was directed by the Supervisors to represent the Township at that Zoning Hearing. She does not recall that ever happening for any other Zoning Hearing, and asked if it was common practice that the Township Solicitor is directed to represent the Township at various hearings. Mr. Lippincott advised that Solicitor Grabowski does not represent the Township at every Zoning Hearing. To Solicitor Grabowski's knowledge, every time he has been authorized to

attend a Zoning Hearing to represent the Township, it has been acknowledged at a public meeting. In all the years that Mr. Snyder has been a member of the Zoning Hearing Board, the Township Solicitor is authorized to attend any Zoning Hearings to represent the Township when a Notice of Violation has been issued against the property owner in question. When there is a simple request for a variance, however, it is at the discretion of the Zoning Hearing Board without Township representation by the Solicitor.

N. CONFIRMED APPOINTMENTS: None.

O. MANAGER'S REPORT – Mr. Gregory J. Lippincott, Township Manager –

1. The Zoning Report for the month of August, 2002 was presented by Mr. Lippincott; a copy of which is on file at the Township office.

3. Mr. Lippincott provided a status report of the Seylar Elementary School renovations. The Township has received correspondence from DEP, providing for an extension until October 31, 2002 for their sewage permit.

P. CORRESPONDENCE – Mr. Gregory J. Lippincott, Township Manager –

1. Mrs. Leslie, Township Treasurer, provided correspondence regarding the annual Minimum Municipal Obligation worksheets for both the Police Pension Plan and Non-Uniform Pension Plan. Act 205 of 1984 as amended, governs the funding requirements for all municipal pension plans and requires that the governing body of the municipality be informed of the expected financial obligation for the coming year.

2. Correspondence was received from the Montgomery County Planning Commission with respect to the PA-309 Connector Project, expressing their concern with several issues in the proposed plan. Discussion took place.

Supervisor Bennington asked where this connector would intersect with Rt. 309. Mr. Lippincott explained that the connector would be located directly across Rt. 309 from Montgomeryville Cycle at Bergey Road in Hatfield Township.

Q. MYLARS FOR SIGNATURE: None.

R. PUBLIC COMMENT:

1. Mr. Joe Marino of Redwing Road hopes that he never attends another Township meeting that becomes a shouting match. He commented that the Supervisors and residents are all intelligent human beings who ought to care enough about this

Township to want to work together, and to find ways to peacefully do so. Discussion took place.

2. A resident (whose name and address could not be discerned on the tape recording) asked what is the easiest and most efficient way to communicate a concern or request to the Board of Supervisors. Chairperson Bender replied that the resident may either speak during Public Comment at a regular Supervisors meeting, relay his request/concern to Mr. Lippincott, Township Manager via telephone or letter, or by e-mailing the Board of Supervisors directly.

S. SUPERVISOR'S COMMENTS:

1. Supervisor Snyder reiterated that if a Supervisor, herself included, authorizes a Planning Commission member to undertake an action, that request or authorization should not be considered an official action of the Board of Supervisors. An official action of the Board of Supervisors can only be done with a majority vote of the three Supervisors. Further, Supervisor Snyder noted that each individual Supervisor is permitted to express an opinion, or encourage and support any of the Township's boards/commissions and/or board members. She advised that anybody in this Township can suggest proposed legislation, the Planning Commission included, and they do not have to have a majority vote of the Board of Supervisors to undertake review and investigation of any legislation. Supervisor Snyder explained that the Board of Supervisors, if they do not approve of something that any of the municipality's boards and/or commissions have done, has the right with a majority vote to say no, and the issue will then go no further. Personally, Supervisor Snyder has no problem with the Planning Commission talking about whatever they wish at a public meeting, and advised that legislation may be proposed or suggested by any number of people – including the Township Engineer, Township Manager, Township Solicitor, or even developers. It does not necessarily have to be directed from the Board of Supervisors for proposed legislation to be undertaken.

Mr. Jack McIlhinney disagreed with Supervisor Snyder's comments. He believes that the Municipalities Planning Code is very specific in its direction that if and when the Planning Commission undertakes consideration of an Ordinance, it must be at the direction of the Board of Supervisors.

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



U. ADJOURNMENT: Upon motion by Supervisor Snyder, seconded by Supervisor Bennington, and carried unanimously, the September 9, 2002 Supervisor's Worksession meeting was adjourned at 8:28PM.

Respectfully submitted,



Lynda Seimes

Township Secretary

(\*These minutes were transcribed from tape recordings taken by Mrs. Lorraine Leslie, Township Treasurer).