

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED WORKSESSION MEETING
Monday, December 13, 1999
7:30PM**

The regularly scheduled worksession meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr. at 7:30PM and opened with the Pledge of Allegiance.

Also present were: Kenneth B. Bennington, Vice-Chairman
John S. Bender, Supervisor
Bruce G. Horrocks, Township Manager
Gregory J. Lippincott, Asst. Manager/Zoning Officer
Thomas A. Buzby, Director of Public Works
David W. Taylor, Building Inspector
Kerry L. Trauger, Chief of Police
Francis X. Grabowski, Township Solicitor
Jack D. Wuerstle, Township Solicitor's Office

Chairman Bennett announced the Board met in Executive Session prior to this meeting in order to discuss personnel and legal matters.

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

B. APPROVAL OF CURRENT BILLING: - Chairman Bennett presented the Bills List dated December 14, 1999, with General Fund payments in the amount of \$52,088.98, State Highway Aid payments in the amount of \$39.22, and Fire Fund payments in the amount of \$59,344.00; for a grand total of all payments in the amount of \$111,472.20.

Motion was made by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List dated December 14, 1999, subject to audit. There was no public comment.

C. TREASURER'S REPORT – Mr. Bruce G. Horrocks, Township Manager – Mr. Horrocks presented the Treasurer's Report with the following balances as of November 30, 1999:

General Fund Checking	\$ 45,448.88
Payroll Fund Checking	\$ 1,295.35
General Reserve Fund	\$ 779,247.68
Fire Fund Checking	\$ 59,345.52
Debt Service Checking	\$ 57,963.71
State Highway Aid Checking	\$ 26,369.71
Escrow Fund Checking	\$ 283,723.41
Capital Projects Fund	\$ 132,699.29

Mr. Horrocks noted that \$190,000.00 of the current balance of General Reserve Fund represents 1999 funds.

Motion was made by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously to approve the Treasurer's Report dated November 30, 1999, subject to audit. There was no public comment.

D. WATER AND SEWER AUTHORITY REPORT - Mr. James G. Groff, Authority Manager - Mr. Groff read the Authority Report for the month of November, 1999; a copy of which is on file at the Township office.

Members of the Authority staff met with representatives of H & K Quarry concerning the quarry water resource to provide pump totals and lab testing results. Supervisor Bender asked the total number of gallons of water pumped from the quarry per day. Mr. Groff replied that some days the total was approximately a million gallons, and other days it was less, depending on rainfall. Supervisor Bender asked if the water pumped from the quarry would need to be treated. Mr. Groff does not know the parameters on treating quarry water, however it would be a surface resource and therefore, would have to be rapid sand filtered. As far as contamination, the water appeared crystal clear according to lab results. Supervisor Bender recommended that the Authority engineer provide an opinion of what would be involved to condition and treat the water. If the one million gallons that the quarry theoretically pumps on any given day could be salvaged, Supervisor Bennington asked where the water would be sent and how it would be used. Mr. Groff explained that it would depend on need at the time. The Authority could alleviate the wells within the Township, which would obviously be less stress on the system north of the Township building. Mr. Groff believes it would be a difficult thing to justify using the quarry water at this time, because the need is not there. Currently, the Authority averages anywhere from 200,000 to 300,000 gallons per day, depending on the time of year and customer demand. Discussion took place.

Supervisor Bennington asked what the Authority's projects might be for the year 2000. Mr. Groff replied that the Authority will be considering the design phase of the waterline where it terminates at the intersection of Rt. 113 and Rt. 152, out Rt. 113 to where it currently stubs at the intersection of Rt. 113 and Diamond Street. This would complete the loop for better fire protection for the Hilltown Woods development. The Authority will also begin I and I testing within the system and smoke testing. Discussions will take place with North Penn Water Authority concerning the water district. The Authority will begin work on creating its own Web page as well.

E. PUBLIC WORKS REPORT - Mr. Thomas A. Buzby, Director of Public Works - Mr. Buzby read the Public Works Report for the period of October 24 through December 4, 1999; a copy of which is on file at the Township office.

Mr. Buzby advised the Public Works Department has been making temporary stop signs in the event there is a Y2K failure at any of the signalized intersections and a limited crew will be on duty on December 31, 1999.

F. POLICE REPORT – Chief Kerry L. Trauger – Chief Trauger read the Police Report for the month of November, 1999; a copy of which is on file at the Township office.

Chief Trauger advised that a speed survey was conducted on Upper Church Road. Results indicate the speed limit should be reduced to 35 m.p.h..

G. ZONING REPORT – Mr. Gregory J. Lippincott, Zoning Officer – Mr. Lippincott read the Zoning Report for the month of November, 1999; a copy of which is on file at the Township office.

On December 3rd and December 10th, the Census Bureau established a testing facility here at Hilltown Township, however both meetings were cancelled due to lack of interest in applying for jobs. The Census Bureau will pay \$14.00-\$15.50 per hour. Information has been posted on the community bulletin board in the lobby of this building. Mr. Lippincott encouraged interested residents to apply for these positions.

Mr. Lippincott noted that all the Township computers have been tested and are Y2K compliant. The Township has internally updated its phone system and correspondence advising of Y2K compliance has been received from all financial institutions that service the Township. Extra staff will be on duty December 31, 1999 and the Township will provide a press release prior to the New Year.

On Friday, December 17, 1999, Mr. Lippincott will meet with the owner of 30+ acres who is considering preserving their farm through the open space program.

H. BUILDING REPORT – Mr. David W. Taylor, Building Inspector – Mr. Taylor read the Building Report for the month of November, 1999; a copy of which is on file at the Township office.

Mr. Taylor advised that Governor Ridge signed the Statewide Building Code into law on November 8, 1999, and it is estimated that the Code will take effect in August of the year 2000. Supervisor Bennington asked Mr. Taylor to explain the difference between the BOCA 1999 Code the Township recently adopted, and the Statewide Building Code. Mr. Taylor replied that the Township's Code is much more stringent than the Statewide Code. Supervisor Bennington asked if the Township is "grandfathered" with regard to sprinklers. Mr. Taylor replied that it is not since the Statewide Code grandfathered any municipal Ordinance in place prior to July of 1999. Supervisor Bennington asked if the

Statewide Code contains regulations concerning sprinklers. Mr. Taylor explained that the Statewide Code does not contain mandatory regulations for sprinklers for residential dwellings. Discussion took place.

I. HILLTOWN FIRE COMPANY REPORT – Mr. Robert Grunmeier, Fire Chief -- Mr. Horrocks announced that the chiefs of both Hilltown and Silverdale Fire Companies were called out to assist with fighting a fire in Perkasio. A copy of the Hilltown Fire Company Report for the month of November, 1999 is on file at the Township office.

J. SILVERDALE FIRE COMPANY REPORT – Mr. Keith Seifert, Fire Chief – A copy of the Silverdale Fire Company Report for the month of November, 1999 is on file at the Township office.

Mr. John Gillespie, deputy chief, asked if the Supervisors had any response to the correspondence Mr. Seifert sent concerning purchase of radios. Mr. Horrocks believes the Supervisors asked Mr. Seifert for a response from Silverdale Borough, which has not yet been forthcoming. Mr. Gillespie advised Silverdale Borough is providing \$5,000.00 towards Silverdale's purchase of radios. Supervisor Bennington noted the Supervisors would discuss this matter as part of the 2000 budget hearing at the December 27, 1999 meeting.

***8:00PM – PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING THE HILLTOWN TOWNSHIP ZONING ORDINANCE OF 1995, AS AMENDED, WITH RESPECT TO RETAIL AND CONSUMER USES, SPECIFICALLY E9, E15, E21 AND E23 USES.**

Solicitor Wuerstle explained the Ordinance in question deals with amendments to the Zoning Ordinance provisions regarding certain retail and consumer uses. Pursuant to law, the proposed Ordinance was advertised twice in the Perkasio News Herald. A review of the proposed Ordinance was received from the Bucks County Planning Commission with minor comments regarding clarification issues, one of which was addressed. The Ordinance amendment, among other things, provides that E21 uses which are defined as adult stores, can be no closer than 1500 ft. from any school property line, public or private, church or other religious institution or school bus stop. Solicitor Wuerstle advised there is a problem with the dimensional criteria of 1500 ft., since it would essentially zone out the use within the Township, and therefore, it is constitutionally suspect. Solicitor Wuerstle recommended a revision of that figure down to 1000 ft., which would still provide for the buffering between this type of use and the types of uses the Township is concerned about exposure to, while not creating a constitutional or curative amendment issue upon enactment. The other provisions of the Ordinance amendments provide definition to certain E uses that were otherwise less defined, such as E9 and E23. Lastly, the proposed amendment eliminates the E15

Specialty Cultural Shopping Center use, which has proved problematic and litigious over recent years.

Public Comment: None.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to **adopt Ordinance #99-13, amending the Hilltown Township Zoning Ordinance of 1995, as amended, with respect to retail and consumer uses, specifically E9, E15, E21 and E23 uses.** There was no public comment.

The regularly scheduled worksession meeting of the Hilltown Township Board of Supervisors was reconvened at 8:10PM.

K. PLANNING COMMISSION REPORT – Mr. John Kachline, Chairman – Mr. Kachline read the Planning Commission Report for the month of November, 1999; a copy of which is on file at the Township office.

Mr. Kachline noted there are two Planning Commission members terms expiring at the end of 1999 – Mr. Frank Rice and himself. Mr. Rice has decided not to seek reappointment, and his letter stating such will be forthcoming. Mr. Kachline is seeking reappointment and has included his letter stating such with his report. Mr. Kachline requested that the Board authorize advertisement for the vacancy on the Planning Commission.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to authorize advertisement of the vacancy on the Hilltown Township Planning Commission. There was no public comment.

L. PARK AND RECREATION REPORT – No one was present at this time.

M. CONFIRMED APPOINTMENTS – None.

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

1. Mr. Horrocks presented four escrow releases for the Board's consideration:

Giant Foods	Voucher #04	\$ 1,053.62
Hipple Subdivision	Voucher #09	\$ 1,420.00
Leonard Kunkin Assoc. Inc.	Voucher #04	\$ 743.27
Lynrose Estates	Voucher #02	\$ 3,686.63

Motion was made by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously to authorize the release of the four escrows as noted above. There was no public comment.

2. Mr. Horrocks presented a Resolution proposed by the Police Department, requesting permission to participate in the Pennsylvania Department of General Services Cooperative Purchasing Program, dealing with surplus Federal equipment.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to **adopt Resolution #99-35, requesting permission to participate in the Pennsylvania Department of General Services Cooperative Purchasing Program.** There was no public comment.

3. Following this meeting, Mr. Horrocks requested that the Board meet in Executive Session in order to discuss personnel matters, police negotiations, and salaries for non-contractual employees. Mr. Horrocks would also like to discuss further revisions to the proposed Ordinance re-establishing the Planning Commission.

4. For the Board's information, the 2000 General Fund, Fire Fund, Debt Service, and Liquid Fuels budgets have been available for public inspection. Mr. Horrocks fully expects that the completed 2000 Budget will be prepared and ready for adoption at the December 27, 1999 Supervisor's meeting, with no tax increase.

5. Mr. Horrocks requested Board authorization for advertisement of an Ordinance dealing with re-establishing the speed limit on Upper Church Road to 35 M.P.H., at the recommendation of the Hilltown Township Police Department.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to authorize the advertisement of an Ordinance lowering the speed limit on Upper Church Road to 35 m.p.h.. There was no public comment.

6. Mr. Horrocks noted that every one of the Township's electrified traffic signals are Y2K compliant. There will be Public Works employees, administrative employees, and a significant police force on duty at midnight on December 31, 1999, as well as many of the fire companies who service Hilltown Township.

O. CORRESPONDENCE: None.

P. SOLICITOR'S REPORT – Mr. Francis X. Grabowski, Township Solicitor –

1. Solicitor Grabowski advised that the Owen Rice real estate purchase by the Township via the Open Space Program is moving forward. Mr. Horrocks attended a

meeting approximately two months ago with the Bucks County Open Space Committee, where the funds were approved. Settlement is tentatively scheduled for January 5, 2000.

2. Solicitor Grabowski also would like to meet with the Supervisors in Executive Session following this meeting in order to discuss pending litigation.

3. Discussion that took place several months ago regarding the possibility of Hilltown Township adopting an Ordinance regulating the use of cellular telephones while operating a motor vehicle. Solicitor Grabowski spoke with the police department in Brooklyn, Ohio, a small city located in the suburbs of Cleveland, who adopted a similar Ordinance in March of 1999. Senator Conti's proposed senate bill in Pennsylvania would amend the Motor Vehicle Code to provide for regulations, though this has not yet occurred. At the direction of the Board of Supervisors, Solicitor Grabowski drafted a proposed Ordinance defining and regulating the use of mobile telephones while operating a motor vehicle in Hilltown Township. Solicitor Grabowski highlighted the points of the proposed Ordinance, and if the Board so desires, it could be advertised for a Public Hearing at the December 27, 1999 meeting. It would be the position of the Township that the operation of a motor vehicle on public roadways using mobile phones may cause the operator to maintain less than full-time attention to the operation of his or her motor vehicle. The Ordinance states that no person shall operate a motor vehicle on any street or highway, while engaging in any conduct defined as the use of a mobile telephone unless the operator maintains both hands on the applicable steering device. "Use" is defined to mean dialing, answering, talking or listening. The Ordinance would not apply to someone who is using a mobile telephone to contact public safety forces while maintaining the vehicle in a parked position, either on public or a private property; or if a hands-free device is used to maintain both hands on the steering wheel while using a mobile phone. Some exceptions are provided - that the Ordinance would not apply to law enforcement officers, operators of emergency vehicles, and operators of official and authorized Hilltown Township motor vehicles, while on duty and acting in their official capacities; or the use of an emergency 911 telephone number. The Ordinance provides that a violation of the Ordinance would be a fine of not more than \$75.00, and it has been made as a concurrent violation in that it would be in addition to any other violation of the Motor Vehicle Code, much like the seat belt requirement under the Motor Vehicle Code.

Supervisor Bennington is very much interested in advertising this proposed Ordinance. In an article in the December 5, 1999 Intelligencer where Senator Conti was asked about the response he got from cell phone companies, his quote is "After a series of meetings with five of the major cellular companies, they were recalcitrant and arrogant, and didn't want to come to any solutions on their own." Supervisor Bennington had thought that if Hilltown Township passed an Ordinance, it would be superceded by State law, however he is not so sure that the State legislation will ever pass. Supervisor Bender agreed, and noted that he viewed the website for the Cellular Telecommunications Industry

Associations, where he found that the wording the Solicitor has proposed for this Ordinance is very consistent with what the C.T.I.A. is suggesting with regard to safety for use of cell phones in a motor vehicle. Chairman Bennett has mixed emotions about the proposed Ordinance because he does not believe it is enforceable. Chairman Bennett has spoken to two police chiefs about this issue, who agreed that it would be very difficult to enforce. There are some countries that are way ahead of Hilltown Township or even Brooklyn, Ohio, most notably Australia, Spain, Portugal, and Sweden, who have already enacted laws such as this with fines ranging from \$80.00 to \$800.00. Chairman Bennett will go along with the recommendation to advertise this proposed Ordinance, in the hope that Senator Conti, at a higher level, can get this passed.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to authorize advertisement of the Cellular Phone Ordinance, as described by Solicitor Grabowski above, for possible adoption at the December 27, 1999 Board of Supervisor's meeting. There was no public comment.

For the record, Supervisor Bennington stated that stopping a motorist and fining them \$75.00, is all the education needed for that individual to learn, and if even one more life can be saved, it is a very important issue.

4. Previous discussion took place concerning the preparation of a proposed Resolution regulating block parties. All staff personnel have provided comments to Solicitor Grabowski, either in favor of, opposed to, or indifferent to the proposed Resolution. Solicitor Grabowski has prepared a comprehensive Resolution for the Board's consideration that they may take action on at the December 27, 1999 meeting.

Q. MYLARS FOR SIGNATURE: Lesko Subdivision

R. PUBLIC COMMENT:

1. Mr. John Gillespie noted the Silverdale Fire Company members support the proposed Cellular Phone Ordinance, and by doing so, the chief and the officers of the company have made it part of their standard operating procedure that cell phones should not be used when a fire truck is in motion. Supervisor Bennington commented the Hilltown Public Works Department and the Hilltown Police Department are also following this guideline.

2. Mr. John Perritt, president of the Silverdale Fire Company, advised that the Silverdale Fire Company is both financially and morally supportive of each other, and are looking forward to a good year. Mr. Perritt noted the Silverdale Fire Company took the issue of cell phone use while operating a vehicle one step further by writing to the legislators in support of the passage of this law.

Mr. Perritt is seeking the Hilltown Supervisors support with regard to the purchase of radios. For three fire police at the Silverdale Fire Company station, the cost is close to \$10,000.00.

Mr. Perritt noted that in the "Neighbor's" section of the Philadelphia Inquirer, there was an article mentioning Sgt. Matthew Dreyer of the Hilltown Police citing his enforcement policies for DUI arrests in Hilltown Township.

3. On behalf of the Hilltown Civic Association, Mrs. Jean Bolger advised there are boxes in the lobby of this municipal building for the collection of non-perishable foods for holiday basket distribution to 25 needy families. The Good Shepherd Church Outreach Committee has donated 25 turkeys, and Mr. and Mrs. D'Angelo, as they have for the past 13 years, will supply 25 hams. Monetary donations will also gratefully be accepted.

S. SUPERVISOR'S COMMENTS:

1. Last Wednesday, Supervisor Bender officially resigned from the Hilltown Township Water and Sewer Authority. The notice of vacancy on that board has been posted, and he encouraged interested residents to apply for that five-year term.

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

U. ADJOURNMENT: Upon motion by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously, the December 13, 1999 Worksession meeting of the Hilltown Township Board of Supervisors was adjourned at 8:39PM.

Respectfully submitted,



Lynda Seimes
Township Secretary

*(These minutes were transcribed from notes and tape recordings taken by Mr. Bruce G. Horrocks, Township Manager).