

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED WORKSESSION MEETING
Monday, March 11, 1996
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 7:40PM and opened with the Pledge of Allegiance.

Also present were: Kenneth B. Bennington, Vice-Chairman
Jack C. Fox, Supervisor
Bruce G. Horrocks, Township Manager
Jack Wuerstle, Township Solicitor's Office
Thomas A. Buzby, Director of Public Works
George C. Egly, Chief of Police
Warren L. Nace, Zoning Officer

A. APPROVAL OF CURRENT BILLING: Chairman Bennett presented the Bills List dated March 12, 1996, with General Fund payments in the amount of \$51,250.13, State Highway Aid payments in the amount of \$19,904.62, and Escrow Fund payments in the amount of \$75,565.18; for a grand total of all funds in the amount of \$75,565.18.

Supervisor Fox asked for clarification of the bill from Lawn and Golf Supply Co. in the amount of \$1,309.00. Mr. Buzby advised that bill was for tines for the aerator that was donated to the Township.

Supervisor Bennington questioned the bill from P.M.R.S. in the amount of \$6,512.54, stating he thought the Township previously made one large payment to repay prior years. Mr. Horrocks explained one large payment was made for prior year pensions approximately one month ago. This is recalculated interest until the end of March, 1996. Mr. Horrocks noted this is the absolute final payment for prior years pensions. Supervisor Bennington questioned the bill to Streetgard, Inc. in the amount of \$1,382.50. Chief Egly stated this is the update of Streetgard for UCR accident reports for the State and National systems. Supervisor Bennington questioned the bill from Bergey's in the amount of \$1,322.82 for a water pump and springs for a vehicle. Mr. Buzby replied these parts were for the repair of a dump truck.

Chairman Bennett questioned the bill for an accident reconstruction course in the amount of \$525.00. Chief Egly advised Officer Randy Tanghe is the expert in accident reconstruction and he attends this course in Florida every year. Chairman Bennett asked for clarification on the bill from R & T Specialty Inc. for D.A.R.E. shirts. Mr. Horrocks stated there is money budgeted for the D.A.R.E. project, and the shirts go to the sixth grade graduates of the D.A.R.E. program.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List, dated March 12, 1996, subject to audit.

B. SOLICITOR'S REPORT - Mr. Jack Wuerstle, Township Solicitor's Office - Mr. Horrocks advised a majority of the Board requested that Mr. Jack Wuerstle from the Township Solicitor's office be present this evening to discuss a possible legal matter.

Solicitor Wuerstle presented a stipulation proposed by Adams Outdoor Advertising with respect to the three billboard cases in Hilltown Township. In essence, the stipulation asks for approval subject to restrictions, a majority of which were provided by the Zoning Hearing Board when the applicant appeared before them. Adams Outdoor Advertising is seeking approval for two of the signs, and in exchange, they will forgo legal action on all three signs. In addition, Adams Outdoor Advertising will agree to the following:

- all signs must comply with State and Federal highway requirements,

- all signs will comply with certain setbacks and height limitations as detailed therein,

- Adams Outdoor Advertising will withdraw their notice of appeal with respect to the third location; and will not file any additional challenges as to the validity of the Zoning Ordinance or other applications for zoning relief for a period of up to seven years or until the Township would amend the Sign Ordinance.

This stipulation was discussed with Mr. Horrocks, counsel for Adams Outdoor Advertising, and Mr. McLaughlin, who is the lease manager for Adams Outdoor Advertising. It is Solicitor Wuerstle's opinion that this stipulation is very beneficial to the Township. It will certainly limit the impact of such signs within the Township for the near future until the Township has the opportunity to address the Sign Ordinance.

Supervisor Fox believes the Township is "throwing in the towel" to a billboard company who finessed the Township and went against those local, State, and Federal laws which do not allow billboards in the country on State or Federal roadways. Had the Zoning Hearing Board followed the Ordinances they are mandated to follow, including the Comprehensive Plan and the Zoning Ordinance, Supervisor Fox stated this would not be occurring. The Township has had that road since the late 1960's or early 1970's, and no billboards have ever been erected because sign companies have never pressed municipalities due to the Highway Beautification Act. Supervisor Fox is very upset that the Supervisors are going to allow billboards of that size to come into this Township.

Supervisor Fox stated this current Board will be known as the "Billboard Board of Supervisors," for not appealing this decision and for voting to allow billboards to be erected on federally funded roads.

Supervisor Bennington commented the Board has argued about this issue for a long time. When a judge gives a directive, the Township must follow that directive. Supervisor Bennington believes the judge and the lawyers know a bit more about these legalities than Supervisor Fox does. Supervisor Fox advised the judge asked for more documentation and testimony, which he did not receive from the Township. If anyone is interested in seeing the Township not be loaded with billboards, Supervisor Fox would be happy to show them the document that protects this Township and has protected it all these years. Supervisor Fox believes we have not had this problem in the past because the Solicitor in those days did their job. Supervisor Fox stated the Zoning Hearing Board is supposed to follow the Comprehensive Plan, not rewrite the Ordinance. If the Zoning Ordinance was not so restrictive on signs, Supervisor Bennington felt the Township might not be in the situation it is in now.

Motion was made by Supervisor Bennington, and seconded by Chairman Bennett to allow the Township Solicitor to finalize the agreement concerning the two billboards, as stated by Solicitor Wuerstle. Supervisor Fox was opposed. Motion passed: 2:1.

Following the meeting, Mr. Horrocks will provide those stipulations for signature.

B. HILLTOWN TOWNSHIP WATER AND SEWER AUTHORITY REPORT - Mr. Jim Groff, Operations Manager: Mr. Groff read the Authority Report, a copy of which is on file at the Township office.

Mr. Groff advised the booster pump station which will fuel this building will be tested tomorrow at noon. The pump was started last week and there were some defective flanges that needed to be replaced.

With regard to the construction at the front of the municipal building, Mr. Groff stated there is a problem with the stormsewer interfering with the water line that had previously been installed. The Authority will lower their pipe so that it does not interfere with the stormsewer.

Mr. Groff thanked the Supervisors for calling the joint meeting with the Authority and for allowing him the opportunity to present the Authority's proposal earlier this evening.

C. DIRECTOR OF PUBLIC WORKS REPORT - Mr. Thomas A. Buzby: Mr. Buzby read the Public Works Report for the period of February 4, 1996 through March 2, 1996, which is on file at the Township office.

Discussion took place concerning the condition of State roadways. Supervisor Bennington was very upset with the condition of State roads, which are maintained by PennDOT.

D. POLICE CHIEF'S REPORT - Chief George C. Egly: There is no report available at this time due to the lack of office personnel in the Police Department.

Chief Egly advised a new employee who is scheduled to begin full-time work on March 18, 1996, has been working part-time for the past two weeks.

Chief Egly mentioned the poor job PennDOT has been doing maintaining their roads in the Township and the resulting accidents which have occurred.

Testing for new police officers will be held on Saturday, March 16th and the oral interviews will be held on Saturday, March 23rd. After the oral interviews, the candidates will be narrowed down to five who will take psychological examinations. Three candidates will then be chosen and their applications will be forwarded to the Board of Supervisors for review and a final decision.

E. ZONING OFFICER'S REPORT - Mr. Warren L. Nace: Mr. Nace read the Zoning Report for the month of February, 1996, which is on file at the Township office.

F. PARK AND RECREATION REPORT - Mr. Nick Lupinacci: Mr. Lupinacci read the Park and Recreation Report for the month of February, 1996, which is on file at the Township office.

Mr. Lupinacci advised the Pennridge Legion Baseball Team has withdrawn their application for field use and their request for a waiver of fees.

The regularly scheduled Park and Recreation Board meeting will be held this Thursday, March 14, 1996, at which time Mr. Lupinacci would like to discuss the cost relating to lighting the baseball field. Other points of interest on that agenda will be Community Day activities. Further, a request was made to the Township to have a representative of the Park and Recreation Board attend a meeting last week at Perkasio Borough in reference to a proposed skateboard arena. A member of the Park and Recreation Board attended the meeting and will provide a report at the March 14th meeting.

The annual Easter Egg Hunt will be held Saturday, March 30, 1996 at the Civic Park, beginning at 10:00AM for children ages one through eight.

Mr. Horrocks advised that Mr. George Spotts of the Bucks County Planning Commission called last week to confirm his attendance at the next Park and Recreation Board meeting. A few Planning Commission members will attend as well. Mr. Lupinacci spoke with Mr. Spotts today, who felt that it may be best to meet only with committee members at the March 14th meeting and to reschedule the joint meeting for the following week.

G. HILLTOWN FIRE CHIEF'S REPORT - Mr. William Devlin: Mr. Devlin read the Hilltown Fire Report for the month of February, 1996, which is on file at the Township office.

Mr. Devlin advised the cost of the new rescue truck that is being purchased is approximately \$170,000.00. The Hilltown Fire Company had made a presentation to the Board in October or November of 1995. Mr. Devlin asked if any funds were budgeted for this project, and if so, when funds would be available. Mr. Horrocks stated \$6,000.00 was budgeted as a donation for the purchase of the rescue truck for Hilltown Fire Company, and \$3,000.00 was budgeted as a donation for the construction of the new Sellersville Firehouse. Mr. Horrocks asked Mr. Devlin to give him notice prior to a public meeting just before the funds are needed.

With regard to the new Hilltown Crossings shopping center, Mr. Devlin noted there is a Developer's Agreement which states the Wolfson Group will be providing a donation to the Township. Chairman Bennett advised the applicant will be donating \$150,000.00, minus the cost of the sewer project. Mr. Horrocks believes receipt of that donation will not take place until the project is complete. Mr. Devlin stated the Wolfson Group has estimated the cost for the sewer extension project at \$75,000.00. The Hilltown Fire Company requested that the remaining \$75,000.00 be retained for the fire department's use due to the hardship this shopping center will create for them, such as additional alarms and rescues. Chairman Bennett commented the Board has not yet discussed the use of that donation.

Mr. Devlin inspected the Wal-Mart store last Saturday, and he understands that they intend to begin bringing stock in on March 28, 1996. Mr. Devlin advised the sprinkler system has not yet been installed and he is very concerned about this project. Mr. Horrocks noted Wal-Mart will not obtain a Use and Occupancy Permit from the Township until certain requirements are accomplished, including the installation of the sprinkler system. Mr. Horrocks will have the Building Inspector investigate this matter further.

Mr. Devlin asked if the Board has given any further consideration to the position of Fire Marshall for Hilltown Township. Chairman Bennett replied there have been no further discussions on that matter. With all the development that is taking place, Mr. Devlin feels it would be wise to appoint a Fire Marshall for Hilltown Township. Supervisor Bennington asked if the position of Fire Marshall was ever discussed at a Fire Prevention Bureau meeting. Mr. Horrocks recalls that the issue was briefly mentioned at one meeting, however no resolution was ever reached. Supervisor Bennington feels the position of Fire Marshall should be discussed in depth at a Fire Prevention Bureau meeting. Mr. Horrocks is very confident that the next Fire Prevention Bureau meeting will be held in April, and he will see that this issue is placed on the agenda.

H. EMERGENCY MANAGEMENT COORDINATOR'S REPORT - Mr. William Devlin: Mr. Devlin read the Emergency Management Report for the month of February, 1996, which is on file at the Township office.

I. SILVERDALE FIRE CHIEF'S REPORT - Mr. Darien Derstine: Mr. Derstine, captain of the Silverdale Fire Company, read the Silverdale Fire Report for the month of February, 1996, which is on file at the Township office.

Mr. Derstine noted the month of February marked the retirement of tanker #59 which serviced this area for approximately 20 years. Other local fire departments have been advised there will no longer be a tanker truck in Silverdale Borough in the foreseeable future. It would not have been cost effective for Silverdale Fire Company to continue with tanker #59, due to the upgrading of the hydrant systems. Mr. Devlin of the Hilltown Fire Company explained he now runs two tankers on all his boxes for tacticals because a tanker will now be dispatched from a further distance.

Mr. Derstine advised other changes include re-vamping of a utility truck donated by the Intelligencer Newspaper which will be used as a special service vehicle for pump details and for fire police use.

Chairman Bennett asked Mr. Devlin and Mr. Derstine how their fire companies stand with regard to the number of active members today versus one year ago. Mr. Derstine stated it is difficult to determine that from year to year because there are certain fluctuations based upon new members coming in. Overall, Mr. Derstine believes the fire service in Bucks County will be experiencing a general decline in active membership. Mr. Devlin agreed that there is a definite decline in volunteer membership in every fire company in the country, mainly due to time restraints involved with working family members.

J. CONFIRMED APPOINTMENTS: None.

K. MANAGER'S REPORT - Mr. Bruce G. Horrocks:

1. Following this meeting, Mr. Horrocks would like to enter into Executive Session with the Board of Supervisors in order to discuss personnel matters.

2. Mr. Horrocks advised Mrs. Patricia Richardson has been hired as a clerk/typist in the Police Department. Mrs. Richardson's first day of full-time employment will be Monday, March 18, 1996.

3. Mr. Horrocks presented three Escrows Releases for the Board's approval:

Country Roads Phase I	Voucher #49	\$ 775.24
Hilltown Crossings	Voucher #11	\$ 3,103.24
Hilltown Crossings	Voucher #12	\$ 52,799.78

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to release the three escrows as noted above.

4. Realen Homes, who is the developer of the Hilltown Hunt Subdivision which is located across the street from the municipal building, has subcontracted their public improvements on West Creamery Road to a firm called Allen Meyers. Following a meeting with the Township Engineer's office and the parties involved, Mr. Horrocks would like to offer the following option to the Township. The developer is required to install the sub-base and the binder from the curb to the roadway, and then a complete overlay, curb to curb, from Rt. 152 past the entrance to the development. The road will be widened on both sides with curbing. At present, West Creamery Road is falling apart. It is the recommendation of Mr. Wynn, Mr. Buzby, and Mr. Horrocks, that the Board consider purchasing materials, such as sub-base, asphalt, stone, etc. to rebuild the entire sub-base from curb to curb; with the developer providing the labor for the project. The Township will only be paying for the material used in the 17 ft. wide roadway itself. Mr. Wynn's office will oversee the project and will collect all tickets from the trucks to insure that the Township is being billed the correct frontage costs. Both Mr. Wynn and Mr. Buzby agree that it would not be possible for the Public Works Department to accomplish this project at a cost of \$15,000.00, which is the approximate cost of the expected materials. Mr. Horrocks is seeking Board authorization to purchase up to \$15,000.00 of materials for Allen Meyers to rebuild the center section of West Creamery Road, while he is rebuilding the new outer portions of that road. Discussion took place concerning the scope of the project and the cost to the Township.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to purchase materials in the amount of \$15,000.00 for the repair of West Creamery Road as noted above, with the developer providing the labor involved, and with the Township Engineer's office overseeing the project, as specified.

5. A call has been received from Dr. Kish in response to the Board's letter to the Penridge School District. Dr. Kish advised the School District would basically like to participate in developer negotiations for voluntary contributions for future school costs, but not impact fees.

6. Four letters of interest to serve on the Open Space/Land Preservation Committee have been received. The Board is welcome to review these applications during Executive Session.

7. Notification has been received from the Township Solicitor's office that the Township has been completely exonerated in the McDowell vs. Hilltown Township federal civil rights suit. Whether the suit was frivolous or not, the federal lawyer for the Township's insurance company will not take this matter to court, however he indicated there may be a case if the Board wishes to pursue the matter.

8. The Board of Supervisors and 14 volunteer fireman, as well as the Director of Public Safety and the Township Manager, met last Wednesday to discuss fire fighting issues. Mr. Horrocks believes the ultimate outcome of the meeting has been extremely positive.

Previously, Mr. Horrocks advised, this Board of Supervisors wrote to Mr. Dennis Forsythe of Bucks County Communications, stating that they wanted to approve all box changes in the future if they were multiple companies. After hearing some of the comments at the Fire Prevention Bureau meeting last week, it appears that request was never granted. The County had assumed that the Supervisors were referring only to box changes for the Hilltown Township Volunteer Fire Company. If the Board cares to, Mr. Horrocks has drafted another possible policy to be forwarded to Bucks County Communications, which would remove the Township completely, and put the responsibility where it belongs, directly with the fire chiefs. Therefore, if any box is being requested for change for any reason that involves more than one fire company, each fire chief for that company should approve it prior to Bucks County making that change.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to authorize Mr. Horrocks to send a letter of policy to Mr. Forsythe of the Bucks County Communications Center concerning box changes, as stipulated above.

9. Mr. Horrocks met individually with all seven fire chiefs last Saturday, and they are collectively attempting to draft a district map.

L. CORRESPONDENCE:

1. Correspondence has been received from the Zoning Hearing Board Solicitor asking the Supervisors if they would consider allowing the Township staff to begin the advertising and notification process for Zoning Hearings. This suggestion is being made by the Zoning Hearing Board Solicitor in an effort to not raise his billing rates. Chairman Bennett asked Mr. Horrocks how he felt about assuming these responsibilities, and Mr. Horrocks replied those additional duties would be the responsibility of the part-time Zoning Officer. Supervisor Fox asked what additional cost this might present to the Township. As far as postage costs, Mr. Horrocks does not believe there would ever be more than 20 notification letters sent to adjoining property owners.

Supervisor Bennington thought that the Zoning Hearing Board Solicitor was appointed each year at a specific rate, yet it appears from their letter that they will be raising their rates. Mr. Horrocks advised the Township Solicitor and Township Engineer provide hourly/base rate quotes to the Township on a yearly basis during budget preparation, however the Township has no agreement with the Zoning Hearing Board Solicitor. Supervisor Bennington suggested that next year, there should be an agreed upon rate with the firm who acts as solicitor for the Zoning Hearing Board.

Mr. Horrocks will further investigate the additional cost to the Township this request might bring and will report back to the Supervisors.

2. Mr. Horrocks presented letters from two scouting groups, Tiger Scouts Den #1 and Junior Troop #797, requesting a waiver of user fees at the Scout Cabin. Both groups will pay the \$50.00 security deposit.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to waive the user fees for the Scout Cabin for the two scouting groups, as noted above.

3. The Township received a Road Occupancy Permit application from the North Penn Water Authority. They intend to bring a 12 inch water main the length of Swartley Road, from Rt. 309 to Hilltown Pike, and extending north on Hilltown Pike to Cedar Hill Road. The development of Cedar Hill Road is currently a water system owned by the North Penn Water Authority, which is an independent system. The Township Engineer's office is presently reviewing these plans.

M. RESIDENT'S COMMENTS:

1. Earlier in the meeting, Mrs. Shirley Gregory of 1713 Limekiln Pike, heard the Board mention the Comprehensive Plan while discussing the billboard issue. As elected officials, Mrs. Gregory asked if the Board pays attention to the Comprehensive Plan. Chairman Bennett replied that all three Supervisors do. Mrs. Gregory thinks of the Comprehensive Plan as a guide and a vision for the Township. Supervisor Fox stated the Supervisors pay attention to it, but there may be other Boards or Authorities who do not.

N. SUPERVISOR'S COMMENTS:

1. Supervisor Bennington is extremely unhappy with Suburban Cable, who continue to send notices raising basic cable rates. Included in this last notification is a brochure highlighting their services and the cost thereof, and also a notice which states "If you have questions or concerns, call your local municipality." Supervisor Bennington wondered why cable subscribers should call the municipality when they should actually be calling the cable company. Supervisor Bennington explained the Township has the right to charge franchising fees, which are very, very insignificant, to allow what is basically a "monopoly" of a cable company to be in Hilltown Township. If there are problems or concerns with the cable rates or services, Supervisor Bennington feels cable subscribers should contact the cable company directly.

2. Supervisor Fox requested that the Board make a motion to ask the Township Solicitor why he recommended against the Township becoming a party to the suite concerning the Community Development Funds project for the Hartzell-Strassberger Homestead. Supervisor Fox would also like this recommendation from the Township Solicitor to be put in writing. Solicitor Grabowski may have verbally told one or more members of this Board, however he has not officially made this recommendation to the Board of Supervisors as a whole. Supervisor Fox would like to see the Township Solicitor's reasons for asking the Township not to enter into this matter as a non-paying party to the Hilltown Historical Society suit, since the Township is the one who has standing.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to ask the Township Solicitor to provide, in writing, his recommendation against the Township becoming a non-paying party to the Hilltown Historical Society's suit regarding the Community Development Funds project for the Hartzell-Strassberger Homestead.

3. Supervisor Fox commented the Public Works Department has been doing a fine job and he expressed his appreciation to that

department. Chairman Bennett and Supervisor Bennington agreed

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

P. ADJOURNMENT: Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to adjourn the March 11, 1996 Worksession meeting of the Hilltown Township Board of Supervisors at 9:15PM.

Respectfully submitted,

Lynda Seimes

Lynda Seimes
Township Secretary

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