

1434

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED PUBLIC MEETING
Monday, December 27, 1993
7:30PM**

The meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr. at 7:43PM and opened with the Pledge of Allegiance.

Also present were: Kenneth B. Bennington, Vice-Chairman
Jack C. Fox, Supervisor
Bruce G. Horrocks, Township Manager
Francis X. Grabowski, Township Solicitor
George C. Egly, Chief of Police
Lynda S. Seimes, Township Secretary

Chairman Bennett announced that the Supervisors and the Township Manager met in Executive Session this morning to discuss personnel matters as related to the 1994 Budget.

A. APPROVAL OF MINUTES: Action on the minutes of the November 22, 1993 Board of Supervisor's Meeting:

Supervisor Fox noted a correction on page 9, second last paragraph, which should read "With regards to expenditures, a year ago the total of expenditures was **\$2,344,000.00**. This proposed unedited version of the budget, previous to any cuts, is at **\$2,392,000.00**, which is an addition of approximately \$230,000.00."

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the November 22, 1993 Board of Supervisors meeting, as corrected.

Action on the minutes of the December 1, 1993 Board of Supervisors Budget Worksession Meeting:

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the December 1, 1993 Board of Supervisors Budget Worksession Meeting, as written.

Action on the minutes of the December 13, 1993 Board of Supervisors Worksession Meeting:

Supervisor Bennington noted the following correction to page 6, second paragraph, which should read "Supervisor Bennington noted there are at least three intersections in Hilltown Township that could use traffic lights, including Rt. 113 and Diamond Street, Callowhill Road and Rt. 113, and Hilltown Pike and Callowhill Road. Therefore, it would cost approximately \$225,000.00 to install the **three** traffic lights. **Supervisor Bennington advised that is the total amount the Township collects from real estate taxes.**"

Chairman Bennett stated that a normal four way intersection with a traffic light costs a minimum of \$90,000.00. A neighboring municipality recently installed a traffic light at that cost. Therefore, if Hilltown Township were to install three traffic lights, it would cost approximately \$270,000.00. Supervisor Bennington commented that is approximately what the Township collects from real estate taxes. Chairman Bennett advised the total estimate for real estate millage for this year is \$285,000.00.

Mr. Horrocks wished to clarify a statement he made at the December 13th Board of Supervisors meeting, which the press did not print. That statement is that Mr. Horrocks had advised the Board that Silverdale Borough expressed their concern and were not happy about the increase in cost of police coverage, however they did agree to the increase. Mr. Horrocks explained the Township increased the cost of police coverage to Silverdale Borough by approximately \$876.00 for 1994.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the December 13, 1993 Board of Supervisors Worksession Meeting, as corrected.

B. APPROVAL OF CURRENT BILLING: Chairman Bennett presented three Bill's Lists for the Board's approval this evening. The first is dated November 24, 1993 and includes \$31,470.51 of General Fund payments, \$123,247.50 of Debt Service payments, \$1,489.65 of State Highway Aid payments, and \$159.15 of Escrow payments, for a grand total of \$156,366.81.

Supervisor Bennington asked Chief Egly how many miles police vehicle tires might average. Chief Egly replied his department is getting an average of approximately 10,000 miles on tires. Supervisor Fox commented that is not what Chief Egly originally told the Board. Chairman Bennett asked Chief Egly if he recalled a statement he made that police vehicle tires were averaging 5,000 to 6,000 miles. Chief Egly replied that is what someone told him another municipality was averaging. Supervisor Bennington asked what happens to the tires when they are changed at 10,000 miles. Chief Egly explained Jerry's Auto Body changes and mounts the new tires, and then disposes of the old tires, free of charge. Supervisor Fox does not believe that the tires can be bald at 10,000 miles, because if they were, they would not be on the police vehicles. Chief Egly stated the used tires can not be given away or sold because it could create a liability situation for the Township.

Page 3
Board of Supervisors
December 27, 1993

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bill's List dated November 24, 1993, subject to audit.

The second Bill's List is dated December 9, 1993 and includes \$1,262.25 of General Fund payments and \$16,897.85 of State Highway Aid payments, for a grand total of \$18,160.10.

Supervisor Fox questioned the reimbursed travel expenses listed. Mr. Horrocks replied the travel expenses listed are for meal and travel reimbursement for education seminars which three police officers attended in November, 1993.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the December 9, 1993 Bill's List, subject to audit.

The third Bill's List is dated December 22, 1993 and includes \$9421.48 of General Fund payments and \$42,600.00 of Fire Protection Fund payments, for a grand total of \$52,021.48. Chairman Bennett noted the major portion of this Bill's List was the semi-annual reimbursement to the fire companies in the amount of 42,600.00 from Fire Tax Funds.

Mr. Horrocks noted there will be one more minor Bill's List presented for the Board's approval at their Reorganization meeting on January 3, 1994.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the December 22, 1993 Bill's List, subject to audit.

C. TREASURER'S REPORT - Mr. Bruce G. Horrocks, Township Manager - Mr. Horrocks presented the Treasurer's Report with the following balances as of December 23, 1993:

General Fund Checking	\$	76,566.58
Payroll Checking	\$	228.49
Fire Fund Checking	\$	70,521.09
Debt Service Checking	\$	8,359.75
State Highway Aid Checking	\$	65,820.00
Escrow Fund Checking	\$	132,783.89

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Treasurer's Report dated December 23, 1993, subject to audit.

D. RESIDENT'S COMMENTS ON CONFIRMED APPOINTMENTS ONLY: None.

E. CONFIRMED APPOINTMENTS:

1. Mr. Larry Otter - Jones Zoning Decision - Mr. Lawrence Otter was in attendance representing the neighboring property owners of the Jones' Topsoil site. Mr. Otter would like to privately address comments as to how the Township will be proceeding in this matter, since it is involved in litigation and therefore an exception to the Sunshine Law. Chairman Bennett commented how the Township plans to proceed was discussed at a previous public meeting. Mr. Otter noted that in the minutes of the November 22, 1993 Supervisors meeting, the Board stated they would address the appeal, however since that time, there is the situation of the Cease and Desist Order of November 24, 1993. Mr. Otter does not believe it is necessary to advise Mr. and Mrs. Jones as to what the Township's position will be at a public meeting. Therefore, Mr. Otter believes it is necessary to have this discussion in private. Supervisor Bennington advised the Board of Supervisors previously directed the Township Manager and the Township Solicitor to proceed to the next step in order to enforce the Cease and Desist Order.

At the December 13, 1993 Board of Supervisors Worksession meeting, Solicitor Grabowski advised the Supervisors discussed the Jones' appeal to the Commonwealth Court. At that time, there was some discussion concerning appearing before the District Justice, and there was a motion made to proceed to the next level of courts regarding the illegal operation at the Jones' Topsoil site on Green Street. Since December 13, 1993, Mr. Horrocks has met with Solicitor Grabowski to speak about the various options available to the Township. One of the items Solicitor Grabowski counseled the Supervisors about prior to this meeting is the possibility of going back to Bucks County Court for a hearing on the matter. Solicitor Grabowski has been authorized to do so under the guise of litigation.

Before the beginning of this meeting, Solicitor Grabowski suggested that he and Mr. Otter meet very briefly this week to discuss the Township's strategy, and what thoughts Mr. Otter might have on behalf of his clients. Supervisor Fox asked if Mr. Otter will pay the Township Solicitor's fees for that meeting. Mr. Otter replied his clients are taxpayers of Hilltown Township, and he believes the Township Solicitor represents the residents of this Township. Supervisor Fox stated the Township Solicitor represents the Board of Supervisors, and the Board of Supervisors represents the taxpayers. Unless Mr. Otter wishes to file with the Court himself, Supervisor Fox does not see why the Township should have to pay fees for something the Board has already approved. Mr. Otter commented his clients must live next door to this illegal operation, and they are concerned about continuing operations at this site once spring arrived. Supervisor Fox is very aware of and

is sympathetic to the neighbor's concerns, which is why the Board has moved on the issue and intends to take action with the court. Mr. Otter's clients have indicated their complete cooperation in this endeavour and will be happy to serve as witnesses if needed. Chairman Bennett recommended authorization for Mr. Otter to speak with Solicitor Grabowski about the matter for a limited period of time. Supervisors Fox and Bennington agreed.

Mrs. Jule Reed of 1222 Green Street lives across the street from the Jones' property. Mrs. Reed advised the formal complaint against Jones' Topsoil began in 1986 and she feels it has been ignored. Mrs. Reed is aware that Mr. and Mrs. Jones filed an appeal after receiving a Cease and Desist Order, though there has been activity at the site since that time. Mrs. Reed is concerned that it will be "business as usual" at the Jones' site in the spring. Mrs. Reed would like to know that the matter will be rectified as quickly as possible so that there will be no more action at 1225 Green Street in the spring. Solicitor Grabowski explained the Bucks County Court of Common Pleas has agreed with the position of the neighboring residents and that of Hilltown Township that the activity at Jones' Topsoil is illegal, and a Cease and Desist Order was issued by Judge Biester. The property owner has since taken an appeal to the Commonwealth Court, and the Township has authorized Solicitor Grabowski to take whatever appropriate action is necessary, within reason, at the County level. Mrs. Reed asked if that hearing will be held promptly, before spring, and Solicitor Grabowski replied that it would.

F. MANAGER'S REPORT - Mr. Bruce G. Horrocks -

1. Mr. Horrocks presented Hilltown Meadows Subdivision linens and Nickel Tract Subdivision linens for signature following this meeting.

2. Mr. Horrocks presented the following nineteen Escrow Releases for the Board's approval, all but one being Letters of Credit:

Anders Carpets	Voucher #06	\$ 395.75
Anders Carpets	Voucher #07	\$20,743.03
BFI	Voucher #19	\$ 533.25
Cefelli	Voucher #16	\$ 531.40
Cefelli	Voucher #17	\$18,527.40
Cheeks, Inc.	Voucher #13	\$ 277.20
Cheeks, Inc.	Voucher #14	\$ 8,980.80
County Line Shopping Center	Voucher #01	\$ 322.60
Country Roads Phase I	Voucher #24	\$ 990.50
Country Roads Phase I	Voucher #25	\$ 3,149.98
Hager Subdivision	Voucher #10	\$ 316.65
Hager Subdivision	Voucher #11	\$ 1,630.63

1879
Page 6
Board of Supervisors
December 27, 1993

Pleasant Meadows III	Voucher #32	\$ 1,261.75
Pleasant Meadows III	Voucher #33	\$28,350.00
Richter Drafting	Voucher #04	\$ 4,574.00
Sterling Knoll Phase II	Voucher #58	\$ 1,227.35
Sterling Knoll Phase II	Voucher #59	\$101,257.31
Tel-Vil Corporation	Voucher #01	\$ 1,003.75

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to release the nineteen Escrows as listed above.

3. Mr. Horrocks presented the final 1994 Budget, addressing some specific accounts including approval of the Escrow Fund Budget, Debt Service, which is a 6 mill tax, and the State Highway Aid Budget, which was reviewed in detail at the December 1, 1993 Budget Worksession. Mr. Horrocks would like the Board to adopt the three abovementioned budgets as presented, dated December 23, 1993, all balanced with no tax increase.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt the State Highway Aid Budget, the Debt Service Budget, and the Escrow Fund Budget for 1994, as specified by Mr. Horrocks.

Mr. Horrocks presented the Fire Fund Budget, which is a 3 mill tax, and offered to the Board the possibility of utilizing the emergency reserve fund of \$50,000.00 in 1994 to pay out to the seven fire companies. If the Board moves to do so, Mr. Horrocks explained the Supervisors could reduce the millage on Fire Tax from 3 mills to 2 mills, thereby utilizing that money to pay each fire company at least the same amount they received in 1993.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to reduce the millage for the Fire Tax from 3 mills to 2 mills for 1994, to adopt Fire Tax Budget, and to utilize the reserve monies to pay out to the fire companies so that they will receive no less than what they received in 1993.

At the last meeting, Mr. Horrocks stated the General Fund Budget remained at \$72,000.00 over revenues for 1994, however with the following major changes, there is now a balanced budget for the Board's approval. The major changes include removing the \$17,800.00 budgeted in General Fund for insurance for the Hilltown Fire Company, thereby paying that amount to the Hilltown Fire Company from the Fire Tax Fund, provided the Township specifies that money for insurance purposes.

Another major change includes the elimination of three full-time positions with the Township. One police clerical employee and two administrative employees are involved in the lay-off. Further, the budget presented this evening does not represent any administrative raises, unless required by contract agreement. Also, the proposed budget takes 1 mill from the Fire Tax that was just reduced, and raises 1 mill of General Fund Real Estate Tax. Therefore, instead of 8 mills in the General Tax for 1994, there will be 9 mills, for a total of \$316,629.00.

The Budget before the Board this evening is balanced at \$2,225,030.00, which is \$119,000.00 less than the 1993 Budget, or 5% less in receipts and expenditures than the 1993 Budget. Supervisor Fox asked for clarification of the transfer of one mill from the Fire Tax and the addition of 1 mill to the General Fund Tax. Mr. Horrocks explained there is no change in the millage to the taxpayers, with total millage remaining at 17 mills in Hilltown Township. Supervisor Bennington wished to make it clear that there is no tax increase, but rather a shifting from one account to another. Chairman Bennett stated there is no tax increase, however there is a shift from 3 mills to 2 mills for the Fire Tax, and from 8 mills to 9 mills for the Real Estate Tax. The total millage, including the Debt Service Tax, will remain at 17 mills.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt the 1994 Budget as specified, noting that Mr. Horrocks did a tremendous job attaining a balanced budget.

Chairman Bennett stated the three year police contract was settled last week for 3% increases each year, plus a contribution of approximately 9% towards their medical benefits. Mr. Horrocks wished to clarify medical benefit payments by the officers is a fixed fee per year, it is not a percentage. To balance the budget, Chairman Bennett stated, three salaried employees were laid off and a salary freeze has been stipulated for non-contract employees for 1994. These have been very difficult decisions that the Board has agonized over for months.

Mr. Horrocks presented an agreement with East Rockhill Township to contract with their building inspection services, that which they now provide to West Rockhill Township. Mr. Horrocks stated it was very difficult to lay off employees, however he believes that no service currently being rendered to taxpayers of Hilltown Township will be affected. Mr. Horrocks hopes and believes the Township will still be able to supply the same level of service as they have in 1993.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Building

1847
Page 8
Board of Supervisors
December 27, 1993

Inspection Service Agreement with East Rockhill Township,
commencing January 1, 1994.

G. CORRESPONDENCE: None.

H. SOLICITOR'S REPORT - Mr. Francis X. Grabowski, Township
Solicitor -

1. For the past several years, Solicitor Grabowski explained the Township has procured a line of credit on a calendar basis from Union National Bank, for the succeeding year. Mr. Horrocks and Solicitor Grabowski have reviewed the paperwork in anticipation of Hilltown Township's need for a line of credit for 1994, and have determined that the maximum amount the Township may consider to borrow would be \$300,000.00. This is the same amount Hilltown Township procured during 1993. The Township has an informal commitment with Union National Bank and Trust Company for a line of credit in the amount of \$300,000.00 for 1994, at a rate of 4 3/8 %. It would be appropriate for the Township to consider adoption of a Resolution at it's January 3, 1994 meeting to actually borrow the funds and establish the line of credit. Solicitor Grabowski is requesting the Board's authorization to prepare the appropriate documents prior to the Reorganization meeting.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize the Township Solicitor to prepare the proper documentation for the Tax Anticipation Note.

2. In his letter of December 22, 1993, Mr. Wynn, Township Engineer, advised that all required improvements for the Sterling Knoll Subdivision, Phase II, have been completed and a Letter of Credit has been provided in the amount of 10% of the original escrow to guarantee maintenance of public improvements for 18 months. Legal documents required for acceptance of the open space and public roadways have been prepared by Solicitor Grabowski's office for the Board's acceptance.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to **adopt Resolution #93-49 to accept the Deed of Dedication of the roads and the open space of Sterling Knoll Subdivision, Phase II, and to adopt Resolution #93-50 to Declare the Public Purpose for Sterling Knoll Subdivision, Phase II.** In addition, motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the completion of public improvements, to begin the 18 month maintenance period, and to accept the open space and the internal roadways (including Noble Drive, Sterling Drive and Gentry Drive) for the Sterling Knoll Subdivision, Phase II.

I. PLANNING - Mr. Bruce G. Horrocks, Township Manager -

1. Smith Act 537 Plan Revision - The Planning Commission, at their meeting on December 20, 1993, reviewed the Smith Act 537 Plan Revision and unanimously recommended approval of that revision. Mr. Wynn's office seeks the Board's authorization for the Township Solicitor to prepare the necessary agreements for execution of the Smith Act 537 Plan Revision.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize the Township Solicitor to prepare the necessary agreements for execution prior to adoption of the required resolution for the Smith Act 537 Plan Revision.

J. ENGINEERING - Mr. Bruce G. Horrocks, Township Manager -

1. Cefelli Tract Subdivision - The 18 month maintenance period for this 5 lot subdivision located on Blooming Glen Road has been completed satisfactorily. In addition to normal maintenance items such as regrading and seeding or eroded areas and tree replacement, the developer has sealed and capped both wells constructed during the course of development for the initially proposed community water system. The wells were sealed and capped below grade.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the completion of the 18 month maintenance period for the Cefelli Tract Subdivision, as specified in Mr. Wynn's letter of December 22, 1993.

2. Richter Drafting Land Development - The 18 month maintenance period required for public improvements has been successfully completed for this land development. Improvements included the installation of an underground stormwater retention system and buffer plantings.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the completion of the 18 month maintenance period for the Richter Drafting Land Development, as specified in Mr. Wynn's letter of December 22, 1993.

3. Cheeks Inc. Land Development - The 18 month maintenance period required for public improvements has been successfully completed for this land development. Improvements included installation of an underground stormwater retention system and buffer plantings.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept completion of the 18 month maintenance period for the Cheeks Inc. Land Development, as

specified in Mr. Wynn's letter of December 22, 1993.

4. Anders Carpets Land Development - Public improvements for the Anders Carpet Land Development site have been completed. Improvements included construction of a retention basin, installation of curb along the frontage of the site, and landscaping. Correspondence has been received from Union National Bank and Trust Company indicating they will retain the required \$5,389.43 as a guarantee of maintenance for the 18 month maintenance period.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept completion of the public improvements and commence the 18 month maintenance period for the Anders Carpets Land Development, as specified in Mr. Wynn's letter of December 22, 1993.

K. RESIDENT'S COMMENTS:

1. Mr. Bill Gardner asked the weight limit on the new box culvert bridge in Pleasant Meadows. Mr. Horrocks does not know, however he will look into it.

L. SUPERVISOR'S COMMENTS:

1. Supervisor Fox commented the decision by this Board to lay off employees was one of the most difficult that he personally has ever had to make, especially given the fact that they were loyal employees who did a fine job.

2. Supervisor Bennington wished to emphasize that Mr. Horrocks did a tremendous job getting the budget down to zero. Considering Mr. Horrocks came to this municipality with no prior experience as a Township Manager, Supervisor Bennington feels Mr. Horrocks is one of the best in the entire area, and feels Mr. Horrocks does not get the credit he deserves. Chairman Bennett and Supervisor Fox agreed.

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

M. ADJOURNMENT: Upon motion by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously, the December 27, 1993 Board of Supervisor's Meeting was adjourned at 9:04PM.

Respectfully submitted,

Lynda Seimes
Lynda Seimes
Township Secretary