

HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED PUBLIC MEETING
Monday, February 24, 1992
7:30PM

The 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
Jack C. Fox, Supervisor
Bruce G. Horrocks, Township Manager
Francis X. Grabowski, Township Solicitor
C. Robert Wynn, Township Engineer
George C. Egly, Chief of Police

A. APPROVAL OF MINUTES:

Action on the minutes of January 27, 1992 Board of Supervisor's meeting:

Supervisor Fox noted a correction on page 19, the very last sentence which states "Under Section 908, Sub-Section 909", that section should read "Under Section 908, Sub-Section 7".

Chairman Bennett noted a correction at the bottom of page 4, which states "Chairman Bennett wished to reassure the taxpayers that the budget is no higher, essentially, than it was in 1991." What Chairman Bennett meant to say was that the budget was only \$21,000.00 higher than the actual expenditures of last year

Motion was made by Supervisor Bennington, seconded by Supervisor Fox and carried unanimously to approve the minutes of the January 27, 1992 Board of Supervisor's meeting, as corrected.

B. APPROVAL OF CURRENT BILLING:

Chairman Bennett presented two bills lists, one dated February 5, 1992 and one dated February 19, 1992. The first series of bills (dated February 5, 1992) totals \$6,020.97 and the second series of bills (dated February 19, 1992) totals \$35,425.94.

Mr. Horrocks commented the bills list dated February 19, 1992, also includes \$10,000.00 repayment to the Escrow Fund, which was a very brief loan.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to accept the bills as presented for payment on February 5, 1992 and February 19, 1992, subject to audit.

C. TREASURER'S REPORT:

Mr. Horrocks presented the Treasurer's Report as of February 21, 1992:

General Fund Checking Account
End of Month Balance: \$39,167.61

Payroll Checking Account
End of Month Balance: \$113.18

Fire Fund Checking Account
End of Month Balance: \$37,650.44

Debt Service Checking Account
End of Month Balance: \$5,821.20

State Highway Aid Checking Account
End of Month Balance: \$18,874.24

Escrow Fund Checking Account
End of Month Balance: \$121,103.23

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to accept the Treasurer's Report as read, subject to audit.

Following up the Treasurer's Report, for the Boards's Information, Mr. Horrocks presented a Revenue Comparison for January, 1991 and January, 1992, excluding any Tax Anticipation Loans and proceeds. In January, 1991 the total Revenues received was \$86,747.00 and in January, 1992, the total Revenues received was \$71,039.00. In essence, during January of 1992, the Township has received \$15,708.00 less than one year ago. Chairman Bennett asked if the lack of revenues for 1992 was in any particular category, such as the Earned Income Tax. Mr. Horrocks replied Earned Income in 1991 was \$49,943.00, as opposed to the \$32,429.000 received this year, which is quite a significant difference. Chairman Bennett noted this was virtually the entire difference. Mr. Horrocks added especially when you consider that Real Estate Prior and Per Capita Prior of one year ago was less than \$500.00 in both of those items, and this year totalled almost \$7,000.00. Therefore, it also shows that more residents were delinquent in paying those two taxes. Chairman Bennett felt there was quite a significant difference this early in the year, and directed Mr. Horrocks to compile a report on this information every month to track the progress of revenues.

D. RESIDENT'S COMMENTS ON AGENDA ITEMS ONLY: None.

E. SUPERVISOR'S COMMENDATION:

Chairman Bennett read the following commendation:

"On January 11, 1992, at 11:30AM, Mr. Alfred Jones was passing a residence occupied by Mr. John Walter of the 1400 block of Township Line Road, and he saw a fire coming from the garage area. He stopped and attempted to extinguish a vehicle that was ablaze in the garage, and did alert the homeowner to this problem. At this time, a neighbor, Mr. Robert Ingram, came to their assistance, and together they pulled the burning car from the garage. This prompt and selfless act clearly helped in averting a potential disaster. These men, by their actions, are indicative of why Hilltown Township is such a nice place in which to live and work."

Unfortunately, Mr. Ingram was working this evening and was unable to attend this meeting. Chairman Bennett stated the Board of Supervisors will see that his commendation is delivered to his home.

The Board of Supervisors thanked Mr. Jones for his selfless act. Mr. Jones commented his deed was a matter of "lucky timing" and he thanked the Board of Supervisors for the honor of this commendation. Photographs were taken for local newspapers.

Mr. John Snyder, president of Hilltown Fire Company, which was the Fire Company that responded to this call, along with the Chalfont Fire Company and the Silverdale Fire Company was in attendance. Mr. Snyder stated as part of their investigation, they discovered the property owner did not have a smoke detector located in the garage. Mr. Snyder presented Mr. Walter with a smoke detector, courtesy of the Hilltown Fire Company. Mr. Walter thanked the Hilltown Fire Company for their kindness and expressed appreciation to Hilltown Township for their wonderful services.

F. CONFIRMED APPOINTMENTS:

1. Mrs. Florence Simons - Tax Collector - Mrs. Simons thanked the Board of Supervisors for reinstating her to the position of Tax Collector to complete her term.

Mrs. Simons also presented \$5.00 to the Township for the sale of 1989 Hilltown Township Municipal Building Dedication books, which she continues to sell from her office.

Chairman Bennett noted Mrs. Simons was present during the Treasurer's Report earlier this evening, citing that tax collections are down for 1992. Unfortunately, Mrs. Simons commented, many people are unemployed which will bring down collections of the 1% earnings. Mrs. Simons mailed over 1,100 Occupation and Per Capita bills which have not been paid since January 1, 1992 to the present. Mrs. Simons also stated \$14,000.00 was liened in Real Estate taxes this year alone, as opposed to \$6,000.00 for 1991.

For those who missed the news broadcast today, Chairman Bennett stated General Motors announced another 12 plant closings and 16,000 more employee lay-offs, which is not very good news.

2. Mr. Eric Tobin - Quiet Acres - Mr. Tobin wished to present two brief issues for the Board's review. When the Board of Supervisors granted Quiet Acres it's final conditional development approval, there were two areas of off-site improvements required, including replacement of drainage pipes. It is Mr. Tobin's understanding these drainage pipes are not malfunctioning, it is merely a matter of upgrading them. The applicant has procured one of the two required easements, but has not been able to procure the second. Mr. Wynn and Mr. Grabowski have been notified of this, and Mr. Tobin believes they would have no problem with Quiet Acres requesting an amendment to the final approval. This would entail waiving or deleting the requirement that the drainage pipe in front of the O'Donnell property be replaced at this time. In lieu of that, Mr. Tobin advised Quiet Acres will donate to the Township, the cost of such work, which is \$4,735.00. It is Mr. Tobin's understanding that the replacement of the pipe is something that may or may not be necessary, in the future.

Mr. Wynn, Township Engineer, explained this is the crossdrain located on Pheasant Hill Road. It is a replacement of corrugated metal pipe with concrete pipe in the existing roadway and placement of an end wall on the opposite side of the roadway from the development. Quiet Acres' stormsewer ties into this piping system. The crossdrain does not have to be replaced solely for the purpose of tying in their stormsewer, but rather is typical of any corrugated pipes along the frontage of a development, the plans were approved with replacement of the reinforced concrete pipe. Mr. Wynn noted the pipe is not currently in need of replacement. Mr. Tobin's offer is such that instead of replacing the pipe now, Quiet Acres will contribute the funds to Hilltown Township for the pipe's future replacement. Mr. Wynn was in agreement with the figure Mr. Tobin quoted for the pipe replacement.

Supervisor Fox stated according to the Municipal Planning Code, any street or house that abutts a subdivision is not an off-site improvement. Streets that abutt a development are part of that site improvement. Mr. Tobin understood that and he would concur with that statement, however if Quiet Acres did not need the easement, then the pipe would be in the street. Supervisor Fox is not debating that, he is debating that the issue itself is considered off-site improvements. Mr. Tobin replied they may be because they may be located on a property owner's lot which is across the street from the development. Supervisor Fox stated this is presently a minor issue, however in the future it could become a major issue.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to accept, in lieu of an escrow fund for a culvert at the O'Donnell property, \$4,735.00 from Quiet Acres, and when the linens are recorded, Hilltown Township will receive that allocation.

Mr. Tobin advised it was their intent that the donation will be made simultaneously with the execution of the agreements and the posting of the escrow.

Quiet Acres has received a petition signed by some of the surrounding property owners concerning the allowance of double wide mobile homes within the development. Mr. Tobin explained the applicant has completed a marketing study which shows that double wide mobile homes will sell much faster. Mr. Tobin presented photos showing typical single wide and typical double wide mobile homes, taken from a development which Mr. Lee Williams also owns. The lots in these photographs are smaller than those proposed in Quiet Acres. Mr. Tobin found it interesting that the Zoning Ordinance requires larger sideyards for the single wide mobile homes than it does for the double wides. Quiet Acres can still meet the single wide side yard requirements, even with the double wide units. The applicant feels the double wide mobile homes make a nicer appearance. Supervisor Bennington and Chairman Bennett were in agreement.

Quiet Acres would like to appear before the Zoning Hearing Board to request the ability to install only double wide mobile homes with no other alterations. However, if the Board of Supervisors object, the applicant will not appear before the Zoning Hearing Board. The Board of Supervisors did not object to Mr. Tobin's proposal.

3. Mr. Richard Muller - Ice City - Mr. Gregory Sturn, attorney with Harris and Harris, was in attendance representing Mr. Gary Cohen, who is the owner of the former Suburban Subaru property located on Bethlehem Pike. Also in attendance were Mr. Muller of Ice City, Mr. Muller's attorney Mr. McCarsky, and the architect for the Ice City project.

The applicant is requesting that the Board of Supervisors waive the requirements for land development for the proposed Ice City project. The property is the location of a former car and boat dealership, which was granted land development approval in 1983. The business climate being such as it is, Mr. Cohen has found it necessary to lease the building. Mr. Sturn advised the problem lies in the fact that there is a potential lease to two separate tenants. Under the Municipal Planning Code, and Mr. Sturn assumes also under the Subdivision and Land Development Ordinance, that may trigger a requirement for land development approval.

Mr. Cohen purchased this property approximately 9 years ago. Prior to Mr. Cohen's purchase, the property was owned Mr. Albright of Cycle Villa, and prior to that, it was a recreational vehicle/boat dealership owned by Mr. Conti. Over the years, all of these businesses have not done well. In the current recession, boat and automobile businesses are not doing well, and they were forced to vacate the property. There is presently a temporary rental on the site - AAA Auto Rental, who's lease expires in thirty days. It is very difficult to find a tenant who is willing to move into an area, spend money, modernize the building, and employ people, during this economic recession. Mr. Muller has signed a lease with Mr. Cohen in order to open an Ice City store in the building, and also sub-lease a portion of the site with Unique Garden Center. Mr. Cohen stated with the size and layout of this building, it is extremely difficult to find one tenant who can afford to lease this property. By Mr. Muller finding a sub-tenant, which will compliment their store, Ice City is able to divide their cost more, and it does make sense to have this building become productive once more, rather than having it remain abandoned. Mr. Cohen hopes the Supervisors will be understanding that in today's economy, having to wait approximately eight months for approval of a land development plan would make Mr. Muller lose interest and go elsewhere. Mr. Cohen feels Ice City would be an attractive business that sells products of interest to the Township, and one that will not generate any more traffic than presently exists. Mr. Cohen is in receipt of the suggestions Mr. Wynn sent concerning changing the property back to the way it was in 1983, and the applicant does not have any objections to completing those requirements. Mr. Cohen has spoken to the Bucks County Board of Health and there is a permit in process for the septic system approval. The applicant will do everything as required by the Township to make a viable project of this proposal.

Supervisor Bennington asked why renovations on the site were begun before approvals were received. Mr. Cohen replied the applicant thought the internal modifications to the inside of the building were permissible. Mr. Cohen stated he honestly was not made aware of the scope of the changes that were being made. That was a problem which has been addressed, and the applicant has since completed the architectural items required, and they now have the approvals which they will abide by. It was an oversight at the time and unfortunately, Mr. Cohen was not aware of the work that was going to be done on the site. Frankly, what Ice City was attempting to do was to complete the interior work before the pool/spa season starts, which is in April.

Supervisor Bennington was under the impression that Ice City was going to build next to the Carney Plumbing site on Rt. 309. Mr. Cohen replied Ice City had originally planned to, and Mr. Muller can explain why they did not do that.

Chairman Bennett asked if this proposal has been before the Planning Commission, and if it has, what their recommendations were. Mr. Wynn replied that the plan was before the Planning Commission at their last meeting, as a zoning permit application. The issue was referred to the Planning Commission by Mr. Eric Applegate, Code Enforcement Officer. The primary concern of the Planning Commission is the fact that the proposed use of the site does not conform to the Light Industrial Zoning District, requiring a zoning variance. Mr. Sturn explained there is a zoning hearing application which is scheduled to appear before the Zoning Hearing Board on Thursday, February 27, 1992. The applicant will be seeking the necessary zoning variances and other types of relief at that time.

Supervisor Bennington asked what exactly Ice City will be asking for when they appear before the Zoning Hearing Board. It is Mr. Sturn's understanding that the zoning hearing application primarily concerns a request to conduct a retail use in the Light Industrial Zoning District. The Light Industrial Zoning District does permit auto dealer uses, however it does not permit retail uses. Mr. Sturn believes there has also been a request made for some type of a sideyard dimensional variance for construction of a pool park. Mr. Sturn is not sure of the status of that issue, though he believes it will be included in the zoning permit application. Supervisor Bennington asked if the main reason for appearing before the Zoning Hearing Board is to request a change of use. Mr. Sturn replied that it is.

Mr. Wynn explained the auto/boat sales use is a retail consumer use. A limited number of retail and consumer uses are permitted in the Industrial District, though the applicant's current proposal is one that is not. Mr. Wynn noted this is clearly not a use that is permitted by right in the Industrial District. The applicant is talking about an E2 Use - Large Retail Store, as opposed to Ell-12, which is Auto/Boat Sales. Supervisor Bennington asked why the applicant will appear before the Zoning Hearing Board if it has already been defined as to what it is and what it can or cannot be. Mr. Wynn explained Ice City must seek the Zoning Hearing Board's approval in order to establish the use they desire. There is a variance request, not a special exception.

Supervisor Bennington asked on what grounds Ice City could obtain approval for that change of use. Solicitor Grabowski replied he is not sure what Ice City's argument will be, but he would suspect they would have to prove a hardship in order to obtain a variance from the Zoning Hearing Board.

Mr. Richard Muller, president and part owner of Ice City was in attendance to explain the proposed plan to the Board of Supervisors. Mr. Muller stated Ice City would like to open their business and be a good neighbor in Hilltown Township. Ice City intends to employ residents of the community and it is their hope that the customers of Ice City will also be residents of this community.

Mr. Muller explained Ice City has appeared before the Board previously to seek approval of a project approximately 1 1/2 miles south of the current site location. Ice City had bought the land just north of Mr. Carney's property in October of 1988, at the highest possible prices in the nation's history of real estate. Unfortunately, in the middle of the project, Ice City experienced some disappointments with regards to economic conditions and were forced to abandon the project, in lieu of receiving DER and PennDot approvals for the entrance to the wetlands. Those approvals were received in late 1989, after Ice City was in default of their loan agreement with the bank. Ice City sought, for many months, to have a co-developer construct the project with them, however that idea failed. They also attempted to find a developer to build the project and lease it back to Ice City, though that too failed. At this time, Ice City intends on putting that property up for sale and the entire project will be abandoned by Ice City. The lease Ice City is entering into with Mr. Cohen is not a short-term lease. They hope to be a permanent resident of the community on this property at 2901 Bethlehem Pike.

Supervisor Fox commented he had been a member of the Planning Commission during the first proposed Ice City project. Supervisor Fox repeated what he had stated at the last Planning Commission meeting, which was Hilltown Township has been seeking to establish Industrial land, since the Township has plenty of Commercial land. Supervisor Fox feels the Township would be taking that Industrial property and converting it for use as a Commercial property if the Board were to grant Ice City's request. Supervisor Fox asked if the applicant intended on subletting a portion of that property for a garden center. Mr. Muller replied that was Ice City's intention. Therefore, Supervisor Fox noted, there will be two lessees, which would be the main reason a land development would be necessary.

Chairman Bennett commented he frequently has difficulty with his contemporary on matters of this nature, as Supervisor Fox tends to look at it from a different point of view. Even though the land may be zoned Industrial, Chairman Bennett feels it would be highly unlikely that an Industrial company would be interested in that particular location. Supervisor Fox noted the Board is not addressing whether the area should be zoned Industrial or Commercial, but rather if Ice City should be granted a waiver of land development requirements. Supervisor Fox stated the Board of Supervisors does not address zoning matters. Chairman Bennett explained he was merely stating his opinion, a vote has not yet been taken on the matter. Chairman Bennett felt the opportunity to have that building occupied mitigates against the ultimate possibility of vandalism in a building, such as the one that is being discussed this evening. Chairman Bennett had difficulty distinguishing the differences of retail businesses, and feels the boat/automobile business should be classified as retail business, as is a garden center and/or swimming pool business. Chairman Bennett felt the opening of Ice City and Unique Garden Center could only help the community by employing residents.

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It is Chairman Bennett's personal opinion that regardless of what Zoning states, this site would be a good location for the intended use. Supervisor Bennington preferred to table the request for waiver of land development until after Ice City has received a decision from the Zoning Hearing Board.

At this time, Mr. Muller stated , Ice City, like most businesses in the country, are under duress and pressure. The nature of Ice City's business, which is the sale of swimming pools and patio furniture, as well as Unique Garden Center's business, are businesses which begin basically in March and April. Any delay they incur becomes insurmountable for them to run their business, which is one of the reasons Ice City is in attendance asking for a waiver of the eight month time frame of a normal land development plan. Time is of the essence for Ice City's business. Discussion took place concerning a time frame involved in receiving a decision from the Zoning Hearing Board, and ultimately from the Board of Supervisors.

If Ice City were to receive a favorable decision from the Zoning Hearing Board, Mr. Muller asked what would be the earliest date the Board of Supervisors could render a decision on the land development waiver request. Supervisor Bennington replied the earliest the Board of Supervisors could make a decision would be March 23, 1992, since the regularly scheduled meeting to be held on Monday, March 9, 1992 is a Worksession, where no votes are taken and no decisions are made. After the Supervisor's have rendered their decision on March 23, 1992, Mr. Muller asked if there is another procedure to follow, and if Ice City would further be required to appear before the Planning Commission. That would be depend, Supervisor Bennington stated, on the Board's decision.

Using the previously stated scenario, Mr. Sturn asked if the Supervisors would consider granting a land development waiver request, subject to conditions. Supervisor Bennington was not prepared to do that at this point in time, based upon other behind-the-scenes situations which do not involve Ice City. Solicitor Grabowski felt the Board is generally aware of the previously approved plan from 1983, though they may not yet have had the opportunity to review it. The Board of Supervisors should also be in receipt of correspondence, proposals and arguments as to why they should consider waiving the land development provisions for Ice City. Solicitor Grabowski felt it was premature for Ice City to expect an answer from the Board of Supervisors this evening.

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Supervisor Fox also noted there are many issues which must be completed to bring the site into compliance. Supervisor Bennington asked if these issues were significant. Mr. Wynn replied the most significant of the items to be completed is the re-establishment of buffers which were required on the approved 1983 plan, but over the course of the years, seemed to have disappeared. Mr. Edward McCarthy, a representative for Ice City, foresees a strong possibility that Ice City could be back before the Board of Supervisors before the variance request decided upon by the Zoning Hearing Board. Mr. McCarthy asked for assurance that if Ice City does make the application, they would show some progress of the permit condition items still remaining. Supervisor Bennington asked Mr. John Snyder, Chairman of the Zoning Hearing Board, what he feels would be a timely turn-around for rendering a decision on the Ice City issue. Legally, Mr. Snyder replied, the Zoning Hearing Board has 45 days in which to return a decision to the applicant, however when they know there is a time restraint involved, the Zoning Hearing Board will attempt to render a decision in a timely manner.

G. MANAGER'S REPORT- Mr. Bruce G. Horrocks, Township Manager:

1. Concerning the progress of the proposed additions to the Agricultural Security District, the Planning Commission and the Agricultural Advisory Committee have both recommended the addition of the nine parcels currently proposed. The next step for the Board of Supervisors is to hold a Public Hearing in which all property owners currently in the Agricultural Security District would be notified. If the Board approves, Mr. Horrocks would schedule that Public Hearing for the March 9, 1992 Worksession at 8:00PM, so that the Board could act formally at the March 23, 1992 Board of Supervisors meeting. The Board was in agreement.

Chairman Bennett asked how many applications for admittance to the Agricultural Security District presently exist. Mr. Horrocks replied there are seven located in Hilltown Township, and three located in East Rockhill Township, consisting of three different parcels, but two different property owners.

2. Mr. Horrocks presented the seven following Escrow Releases (all bank held) for the Board's approval:

Garges Land Development	Voucher #01	\$ 1,067.75
Orchard Station	Voucher #18	\$ 392.89
Orchard Station	Voucher #19	\$69,764.40
Orchard Station	Voucher #20	\$60,102.35
Sterling Knoll Phase II	Voucher #44	\$ 194.25
Schade	Voucher #01	\$ 73.13
Stoneycrest	Voucher #05	\$ 2,422.47

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to release the seven Escrow Releases listed above.

3. The Township is in receipt of acknowledgement from DER concerning the award of a grant for a recycling drop-off center. The grant funds are paid on a reimbursement basis, meaning after monies have been spent, the Township may apply for grant reimbursement monies. The Township is required to acknowledge to DER, in writing, within thirty (30) days if we will not be accepting this grant award. It is Mr. Horrocks assumption that Hilltown Township would accept the grant award, and therefore, the only requirement is to review the grant itself and complete the signature pages for DER's approval.

Mr. Horrocks advised because it was not budgeted for this year, in all probability we are dealing with 1993 expenditures. Supervisor Fox explained Hilltown Township had originally asked for \$26,000.00, however DER cut that request to \$12,000.00, based upon surrounding municipalities who have installed this type of facility for that approximate amount of money.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the \$12,000.00 Recycling grant.

Chairman Bennett felt the logical site for the eventual construction of the recycling drop-off center would be in the eastern end of the Township, in the Blooming Glen area. Presently, there is a drop-off center in Silverdale Borough, which many Hilltown residents use, and there is also a drop-off center located at Alderfer and Frank. Mr. Horrocks suggested forwarding this information to the Recycling Committee for their input and recommendations.

4. To keep the Supervisors informed, Mr. Horrocks advised after four of twenty-six pay periods on police overtime, the Township is still doing very well. There is an annualized number of \$46,900.00, which is still below budget, however, Mr. Horrocks noted, four out of twenty-six pay periods is not a significant number.

5. Mr. Horrocks received a newspaper clipping from Mr. Applegate, Code Enforcement Officer, involving Tinicum Township and water conservation. There is an Ordinance or an amendment to the BOCA Code that Hilltown Township will most likely be required to adopt before May of 1992, reducing water usage as far as water closets, etc. from the current 3.5 gallons per cycle down to 1.6 gallons per cycle. Mr. Horrocks has spoken with the Delaware River Basin Commission and they will be forwarding more information on the subject.

Chairman Bennett asked how this system will be policed. Mr. Horrocks replied the requirements and issuance of building permits will suffice to insure compliance with the new codes.

6. Mr. Horrocks received a phone call from the Assistant Principal of the Souderton Area High School concerning a gift from one of the graduating classes of a 3 ft. by 24 ft. long sign, which states "HOME OF THE INDIANS". It is their intention to install this sign on the walkway bridge which crosses County Line Road. Mr. Horrocks suggested the high school officials to contact PennDot since County Line Road is a State road. The erection of the proposed sign also involves Souderton Borough and Hilltown Township.

According to Hilltown Township's Zoning Ordinance, under Sign Regulations, there is a requirement that no sign shall be erected in the right-of-way of any street. Mr. Horrocks is seeking direction from the Board of Supervisors as to whether the Souderton Area High School will have to appear before the Zoning Hearing Board for our half of the sign, if in fact PennDot and Souderton Borough approves the sign.

Supervisor Bennington suggested Souderton High School officials speak to the Hilltown Township Code Enforcement Officer. Mr. Horrocks has spoken to Mr. Applegate, who felt the applicant would most likely have to appear before the Zoning Hearing Board. Further, Mr. Horrocks asked if Souderton High School officials are directed to appear before the Zoning Hearing Board for approval, would those application fees be waived since the applicant is a school. Discussion took place.

7. More CPR training for Hilltown Township police officers will be required, as the course consists of a one year certification and is State mandated. The total cost for course training will be \$195.00, with some overtime involved.

8. On Thursday, April 30, 1992 at 7:30PM, a Legislator's Night will be held at the Hilltown Township Municipal Building, including three County Commissioners, Senator Greenwood, and other State representatives, to discuss pending legislation affecting local governments, with an open agenda.

9. At the last Consortium meeting, Mr. Horrocks volunteered to join an adhoc committee. Last year, Bucks County offered two Household Hazardous Waste Recycling Days and the program was a success. The financing of it, however, was slightly less than a success for the County.

Bucks County hopes to be offering this option again in August of 1992 for three consecutive Saturdays. The Upper Bucks Consortium members are willing to donate their time, if there will be an Upper Bucks location this year. Apparently, there will be a Lower Bucks, Middle Bucks, and an Upper Bucks location available in August of 1992.

Bucks County is suggesting Hilltown Township's financial share of the cost for Household Hazardous Waste Recycling Days in 1992 would be \$1,759.00. What other Upper Bucks communities have done is returned the completed form, and noted that if there would be an Upper Bucks County drop-off site, those municipalities would be willing to pay their share.

10. Several people have suggested that some members of Hilltown Township's Public Works Department, under Mr. Buzby's direction, be available to answer fire calls in Hilltown Township, as CDL drivers. Some schooling would be required to receive the minimum rating to be drivers for fire fighting equipment. All Public Works employees currently have their Commercial Driver's Licenses. There are presently three Public Works Department employees interested in volunteering for this job. These three volunteers understand there will be no overtime involved, understand that they will remain on the scene until the fire company replaces them, and understand that there are times they may not be available to respond, at the discretion of the Director of Public Works.

Supervisor Fox felt this suggestion was long overdue, as other municipalities are currently involved. It is very difficult to get volunteers to provide emergency fire service during daytime hours, as most residents are employed in other areas. Supervisor Fox felt it was an excellent idea.

Supervisor Bennington advised this issue has been spoken about before, particularly during his campaign, as an alternative to obtain additional help for the Hilltown Fire Company. Supervisor Bennington felt it was a great idea, if in fact the fire company would welcome our assistance in that regard.

Discussion took place concerning insurance coverage and fire protection coverage area in which the three volunteers would be serving.

Mr. Jack Morgan, Chairman of the Fire Panel, advised volunteer service cannot be limited to just the Hilltown Fire Company, since there are presently seven fire departments which service Hilltown Township. Mr. Morgan felt it was an excellent idea, however he felt more research concerning these issues should take place before the situation "snowballs".

Chairman Bennett asked if the Public Works Department employees had originally initiated this volunteer program. Mr. Horrocks replied it was a combination of the employees volunteering their services, and a discussion which took place at a previous Consortium meeting.

Chairman Bennett noted there are other neighboring communities, such as Warrington Township, who have instituted this program, though not on a volunteer basis. Mr. Morgan commented Warrington Township did implement such a program, but in order to avoid personnel suing the Township, officials required that the Public Works Department be certified as Fire Fighter I at the Bucks County Fire School, and also Fire Fighter II. This move was made to protect the Township from law suits initiated by employees claiming they were not properly trained to respond to fire calls, as a part of their job.

Mr. Horrocks will research these issues further and advise the Board of his findings.

G. CORRESPONDENCE: None.

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

1. Solicitor Grabowski mentioned the BOCN Subdivision located on Hilltown Pike, which is a minor subdivision. Solicitor Grabowski presented a Deed of Dedication which has been properly executed, and requested the Board's consideration for the adoption of Resolution #92-12 and Resolution #92-13 to accept the Deed of Dedication and to accept Public Purpose.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt Resolution #92-12 for Deed of Dedication for the BOCN Corporation Subdivision, and to adopt Resolution #92-13 to accept Public Purpose for the BOCN Corporation Subdivision.

2. Solicitor Grabowski presented a Deed of Dedication (Resolution #92-14) and Acceptance of Public Purpose (Resolution #92-15) for the Forrest Subdivision, located on Welcome House Road.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt Resolution #92-14 for Deed of Dedication for the Forrest Subdivision and Resolution #92-15 to accept the Deed of Dedication for the Forrest Subdivision.

3. Solicitor Grabowski presented the Land Development Agreements for the Carney Land Development, which is the Commercial use in Line Lexington, located on Route 309. The agreements provide for Union National Bank to issue a letter of credit, which has been accomplished, in the amount of \$65,489.05. Solicitor Grabowski recommended the Township consider authorization to execute both the Land Development Agreement and the Financial Security Agreement for the Carney Land Development.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to adopt the authorization for the Land Development and Financial Security Agreements for the Carney Land Development.

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February 24, 1992

I. PLANNING - Mr. C. Robert Wynn, Township Engineer:

1. Finkelstein Subdivision (Minor) - Mr. Wynn explained the Finkelstein Subdivision proposes to create one lot with a net area of just under 50,000 sq.ft. in the Country Residential District, and also a second lot, which consists of approximately 182,000 sq.ft. The site is located immediately west of the Orchard Station Subdivision on Orchard Road, between Diamond Street and Rt. 152. The plan proposes the lots to be served by both public sewer and water. There are no public improvements proposed along the street frontage at this time, however there is a note on the plan which provides for when the larger tract of vacant land is developed. If and when that tract is developed, the developer may be required by the Township to install curb, widening and sidewalk along the frontage of both lots. The right-of-way across the lot which is to be developed at this time is offered for dedication to the Township to permit that. Actually, all the frontage is offered for dedication.

Mr. Wynn noted this plan was recommended for approval by the Planning Commission, subject to verification of Planning Module approval by DER or a waiver of Planning Module approval by DER, which is sometimes the case in this type of development. Approval for both water and sewer connections, relative to available capacity designed by Hilltown Township Water and Sewer Authority is also required. Installation of property pins and monuments as shown on the plan is required to be installed and certified by the responsible surveyor. The buffer yard, which is proposed to be installed along the frontage of Lot #1 is required prior to plan recordation or an Escrow Agreement should be established to guarantee the installation. The final items pending completion are some minor engineering and drafting items relative to the outboundary information contained on the plan, along the Orchard Station boundary line.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to adopt the final minor Finkelstein Subdivision plan, located on Orchard Road, contingent upon the accomplishment of the four conditions listed in the engineering review letter, and with the recommendation of the Planning Commission and the Township Engineer.

2. Rockhill Veterinary Land Development (Preliminary)
- Mr. Wynn advised this plan is on the agenda due to a recommendation by the Planning Commission for denial, unless an extension was received, permitting the Township additional review period. An extension has been received from the applicant in the term of 90 days.

3. Easy Living Pools Land Development (Final) - Mr. Wynn presented the final Land Development plan for Easy Living Pools. The applicant, Mr. Daniel Steinhauer, was present to discuss the plan. Mr. Wynn explained the applicant for this site was notified of zoning violations for having failed to secure certain permits prior to occupancy of the premises. The site is located in the Commercial Zoning District on Bethlehem Pike, immediately north of the bypass spur.

In order to complete the requirements for occupancy of the site, one of the conditions is that the applicant must submit a land development to receive approval. This plan was previously before the Board and received a preliminary plan approval, and subsequently, the final plan was submitted for review. At this point, Mr. Wynn stated, all the requirements of the preliminary plan approval are accomplished except for two. Mr. Wynn had reported to the Planning Commission that there were three items to be accomplished, though one of the three noted in his memo to the Supervisors, verification of approval from the Bucks County Department of Health, was actually received last March by the applicant. There are no additional revisions necessary to the plan, which are dated July. Two outstanding items are the installation of property monumentation and the execution of an Escrow Agreement to guarantee public improvements which include construction of a retention basin and some modifications to the entrance of the site, as required by PennDot permit. PennDot permit was received by the applicant in November of 1991. At the Board's meeting in November, 1991, the Supervisors accepted an extension to permit additional time to complete some outstanding items. At that time, the Supervisors had advised that there would be no further extensions in the time period. Mr. Wynn noted these two items remain outstanding, and the Township is again in the position where action must be taken, due to time constraints on the review period. Mr. Wynn did receive, via fax, an estimate of public improvements.

Supervisor Fox asked if all the permit problems have been settled. Mr. Wynn replied the applicant has received approval from the Bucks County Conservation District, from PennDot, and a letter from the Bucks County Health Department, indicating they may continue to use the septic system on the site. Supervisor Bennington asked Mr. Steinhauer if he has the ability to execute the required escrow agreement and come up with the funding acceptable to the Township within the next thirty days. Mr. Steinhauer replied he should be able to supply the Township with that information.

Solicitor Grabowski commented the installation of property monumentation could be a part of the escrow to safeguard the installation of same. Supervisor Bennington asked the monetary value Mr. Steinhauer put on the project. Mr. Wynn replied \$11,000.00, but felt five times that amount would be proper.

Mr. Wynn explained the majority of the cost is in the construction of the retention basin, and stormsewer, as well as some cost in roadway widening on Bethlehem Pike, as required by PennDot permit. That alone is approximately \$4,000.00. Presently there is no cost at all in Mr. Steinhauer's estimate for construction of retention basin. Discussion took place concerning Mr. Steinhauer's estimates. Supervisor Bennington asked the applicant if he would be willing to grant the Township a 30 day extension, and Mr. Steinhauer replied that he would. Typically, Mr. Wynn explained, the Township requires the applicant provide an extension in writing. Mr. Steinhauer will forward that written information to the Township.

4. Wagner Subdivision (Minor - This minor subdivision received a recommendation for denial unless an extension was received. The Township is in receipt of a 90 day extension.

Supervisor Fox asked for an update on what the problem was with this particular subdivision. Mr. Wynn noted the reason for the extension was that Mrs. Wagner has not yet had a soil log and perk test performed on the site.

J. ENGINEERING - Mr. C. Robert Wynn - Township Engineer:

1. H & L Development Subdivision - Mr. Wynn explained this is a five lot subdivision located on Schwenkmill Road. The 18 month maintenance period for the public improvements, which included buffer trees, a swale, and some roadway widening, actually expires on March 10, 1992. Final inspection was made and some very minor erosion was discovered along the frontage of Lot #1, which must be corrected. However, the driveway entrances on Lots #1, #2, #4, and #5 were not completed with the 1 inch wearing course. At the time the improvements were completed and the maintenance period was started, the developer had requested that the final wearing surface of the driveways not be required until the end of the maintenance period so that all construction would be completed and the driveway wouldn't be damaged. That request was approved, however it has not been completed yet. The Township is in receipt of a letter from H & L Development requesting an extension of 60 days, until May 10, 1992, to complete the items, due to current weather conditions. Mr. Wynn feels this would be reasonable considering it is now February, and is not the ideal time to pave.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to accept H & L Development's 60 day extension until May 10, 1992.

2. Orchard Station - The Orchard Station Subdivision is required to be completed by March 8, 1992, however the public improvements are not complete, as approximately half the homes are still not fully constructed. Correspondence has been received from the developer indicating they desire to extend their financial security for one year, although they anticipate completing public improvements in 1992. The developer has requested the Township permit an extension of the timeframe for completion for one year. Mr. Wynn explained the developer does not have an actual letter of credit, they have a cash deposit with the bank and the amount is currently \$362,416.88. Union National Bank has indicated they will send correspondence to the Township indicating the bank's approval.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to extend the Orchard Station Subdivision maintenance agreement for one year, until March 8, 1993.

In addition, several months ago, the Township executed revised plans for Orchard Station due to a small closure area in the right-of-way. Apparently, those plans were never taken to Bucks County Courthouse for recordation. The builder just recently tried to have the plans recorded, and was advised by the County that the 90 days since signature by the Board of Supervisors has lapsed. The builder is requesting that the Board authorize re-dating of the plans for recordation.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to re-date the final plans for the Orchard Station Subdivision.

3. Civic Field - Mr. Wynn presented a copy of the plan for the former Civic field, showing the survey information of the adjoining property where the Mussleman Log Barn is located. It actually does not help the situation from a drainage standpoint at all. The property along the tree row at the bottom of the property is higher than it is at the front, and it does not help from a standpoint of providing any discharge flow. In the absence of authorization to discharge onto private property in the rear, and in order to provide drainage from the rear of the site, it would be necessary to lower the pipe to the roadway. This will require authorization from the Hilltown Fire Company to regrade an inch of their property or another alternative is to provide for some improved drainage. It can be improved by somewhat raising the field, however there will not really be any ability to keep the water off the playing fields. Supervisor Bennington asked if the Park and Recreation Board is aware of this. Mr. Wynn replied at this point, no, they are not aware of it. Mr. Wynn advised it would require a PennDot permit to replace and lower the 15 inch pipe. Discussion took place concerning the drainage of the former Civic Field. Chairman Bennett asked Mr. Wynn to come up with an estimated cost to replace the pipe.

On that subject, Mr. Horrocks asked if the Board would care to make a motion to charge Mr. Wynn with performing some stake-out at the former Civic Field, such as the location of the parking area, etc.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to charge Mr. Wynn, Township Engineer, to stake-out the parking lot, and to research the matter of the pipe at the former Civic Field, so that the Public Works Department can begin work on the site.

4. Mr. Wynn presented linens for signature for the JWG Subdivision following this meeting. This plan was previously approved as a minor subdivision and the plans have been signed by the Planning Commission.

K. RESIDENT'S COMMENTS:

1. Mr. Ron Theis - 4 Florence Circle - Mr. Theis noted Florence Simons, Tax Collector, mentioned a disturbing point earlier this evening regarding residents not being able to pay their occupation taxes. Hilltown Township has recently raised taxes a few mills, which most likely will not make things any easier for the resident's of this community. Mr. Theis felt the Township needed to come up with creative solutions so that residents do not lose their homes or have to face liens against their houses. PP&L offers a program charging \$1.00 for those wishing to help pay for other's electric and heating bills during the winter months. Mr. Theis does not believe anyone wants to see residents lose their homes or have liens placed against properties. The school board will probably raise taxes this year also. Mr. Theis asked the Board what Hilltown Township is doing to make things better for the resident's of this Township, and what creative solutions can be used so that residents do not lose their land.

Chairman Bennett advised Hilltown Township does not place liens against properties, it is Bucks County that does that. Supervisor Fox agreed that Hilltown Township has no control over that. Mr. Theis asked if half the occupation tax goes to Hilltown Township. Chairman Bennett replied one half of one percent of income tax goes to Hilltown Township. Mr. Theis asked if earned income tax must be paid if someone is on unemployment. Chairman Bennett replied federal taxes are levied on unemployment compensation.

Mr. Theis commented people are losing their jobs, taxes are being raised, and some people are not paying their taxes, even if they have jobs, because they cannot afford it. In previous meetings, the thought of re-opening police contracts to better negotiate terms was discussed, and also the suggestion of selling Township lands to raise funds. The minutes of January 6, 1992 point out that Hilltown Township bought the land at Callowhill Road and

Rt. 113 with some type of State funds, and it would be researched as to whether we could sell that land. Mr. Theis has not seen any discussion since that point regarding these two issues. Chairman Bennett explained Hilltown Township is in the process of having Township properties appraised. Mr. Theis asked if the Township would be allowed to sell that property, even though State funds had been used to purchase it. Chairman Bennett advised the Board has come to the decision that the Township will most likely put that particular piece of property up for public sale.

Mr. Theis felt that creative solutions must be used to solve the taxation problems within Hilltown Township. Solicitor Grabowski stated if you look at all the various taxes which are assessed by the County, by the school district and by Hilltown Township, the Township comes in a distant third. Chairman Bennett commented with real estate taxes, the school district receives approximately 76%, the counties receive approximately 18%, and the township's receive approximately 6%. Any unpaid taxes go to Bucks County at the end of a calendar year, and it is then up to the County to devise ways of collecting delinquent taxes. Mr. Theis felt someone must take the initiative to drive these issues home, and felt there should be a concerted effort between municipalities and Bucks County to do just that. Solicitor Grabowski stated a good opportunity for Mr. Theis to air his views would be on April 30, 1992 when legislators are coming to Hilltown Township to discuss legislation.

2. Mr. Richard Edmonds - Mr. Edmonds, speaking as a concerned citizen, recommended that the Board of Supervisors do what they can to approve the Ice City plan, spoken about earlier this evening. Mr. Edmonds passes the proposed Ice City site two or three times a day, and has noticed that the area was becoming an eyesore since the former tenants have moved out. He realized that sometimes "red tape" holds people back. Mr. Edmonds stated he is sure the Board appreciates the fact that springtime is important to Ice City, just as Christmas time is important to a department store.

Mr. Edmonds did not understand what was meant by the term "land development", and asked why it would have to be done again on the same site. Supervisor Fox replied land development, as far as businesses are concerned, is required if you have more than one house in a development, for an industrial complex, or for the construction of stores. A plan must be drawn, showing what is intended on the site and to be sure the proper amount of pervious surface exists, as well as how the applicant intends on achieving water and sewer for the site, etc. Under the new law - Act 170 - which went into effect three years ago, Supervisor Fox stated all industrial sites, commercial sites, and more than one house are required to submit a land development. The only exception is if relief is granted by the Board of Supervisors. Mr. Edmonds asked if a land development was originally submitted on that property when it was built. Supervisor Fox stated it probably was in 1983, however the difference is that the tenants at that time constructed a building without benefit of a building permit.

Mr. Edmonds urged the Board of Supervisors to allow Ice City to open their doors in Hilltown Township, because the more people we push out of the Township, the more tax burden will fall on the people who live here. Supervisor Fox understood Mr. Edmond's point, however there is zoning in Hilltown Township, and even though someone may not like it, that is what keeps the value of Township properties up. Mr. Edmonds stated he is all for zoning and all for control, however he felt compromise should exist. He did not see how a manufacturing company could move onto that site, since it is not adaptable for that, and because it is more adaptable for commercial enterprise along Rt. 309.

Discussion took place among the Supervisors concerning zoning and the Ice City request. Supervisor Bennington felt Supervisor Fox looked at issues as either "black" or "white", and in this case, there were "gray" areas. Supervisor Bennington further stated the twenty jobs created by Ice City opening their doors at this site, would help Hilltown Township residents. Chairman Bennett believes in the law, and also believes in zoning, however he stated the big difference between himself and Supervisor Fox is that sometimes there is room for exception, even to the law. Supervisor Fox noted "Special Exceptions" do exist in zoning.

***Chairman Bennett called a 10 minute recess at 9:35PM. The meeting resumed at 9:40PM.**

3. Mr. John Snyder - Chairman of the Zoning Hearing Board, commented he would like to put to rest a "battle" that has been going on between himself and Supervisor Fox. Tonight when the minutes were approved as corrected, Supervisor Fox corrected one sentence to read "Section 908, Sub-Section 9" of Act 170.

If Mr. Snyder is reading it correctly, that particular section states "The Board or the Hearing Officer, as the case may be, shall render a written decision, or where no decision is called for, make written findings and application within 45 days of the last hearing before the board hearing officer." Mr. Snyder asked Supervisor Fox if this is the part where he disagrees.

Supervisor Fox replied Mr. Snyder must understand why it is that way. Number one - the problems that had developed years ago, was that a board of any sort, would delay, table, put off, etc., sometimes for years, so that someone could not do what they were supposed to do. What the board wants is if there is no response within 45 days, there is no question that the applicant can do as they wish to do. Supervisor Fox noted that is what he read into the minutes and he has nothing more to say about it.

Mr. Snyder agreed with the 45 days time limit, however the sentence Mr. Snyder read above is from Act 247, which is identical and has not changed, and which was superceded by Act 170. Mr. Snyder asked Supervisor Fox if Act 170 is a State statute. Supervisor Fox replied Act 170 is a Municipal Planning Code statute in the Commonwealth of Pennsylvania, as of February, 1989, in part. Supervisor Fox asked Mr. Snyder what date is on his copy. Mr. Snyder replied his copy is dated 1988, however the wording he just quoted is the same as what is in Act 170 or Act 247, which has not changed. Supervisor Fox felt there could have been changes from that time to February of 1989.

Mr. Snyder commented what was discussed at the last meeting was that he mentioned if the 45th day falls on a Saturday, Sunday, or legal holiday, it goes to the next business day. Mr. Snyder read Section 1908 of Public Law 1339, Act #290, dated December 6, 1972 - entitled "Computation of Time" which states -

"When any time period referred to in any statute, such period in all cases except where otherwise provided in Section 1909 of this title (regulating publication for successive weeks) and Section 1910, of this title, (relating to computation of months), shall be so computed to exclude the first day and include the last day of any such period."

(Mr. Snyder felt this meant if there was a hearing held this evening, day one would begin tomorrow, and the last day to be included would be the 45th day. Supervisor Fox agreed.)

Mr. Snyder read further - "Whenever the last day of any such period shall fall on a Saturday, Sunday, or any day made a legal holiday by the laws of this Commonwealth, or of the United States, such day shall be omitted from the computation."

(Mr. Snyder took this to mean the 45th day, fell on the 8th of December, would be eliminated and omitted from the computation, and Monday, the 9th of December became the 45th day.)

Supervisor Fox noted that is what Mr. Snyder is saying it said in 1972, however Supervisor Fox stated the segment he read is more recent and it is mandated. Supervisor Fox felt there was no going back to a previous law - when it is mandated, it is mandated. Supervisor Fox felt the Zoning Hearing Board should interpret these laws as they are strictly written.

In other words, Mr. Snyder said, what Supervisor Fox is saying is that everytime a new law is passed, they would have to go back and pass previous sections of the law. Supervisor Fox disagreed and advised the decision should be done in a 45 day time period, but when it states it is mandated, it should be mandated. Mr. Ron Theis suggested the Township Solicitor should advise of his opinion on the matter.

Chairman Bennett gave his opinion of the case, which was that he agreed with Mr. Snyder. When the 45th day falls on a Saturday, Sunday, or holiday, it is only logical that the 45th day would go to the next business day. Even the IRS, when taxes are paid, always goes by the 15th of April, June or September, and when that 15th day would fall on a Sunday or holiday, the 15th day payment deadline would move to the next business day. To the best of Mr. Snyder's knowledge, when they passed the 1986 Tax Law, it did not change the reasoning that if April 15th fell on a Sunday, the next business day would be the required payment day.

Supervisor Bennington asked why there was such a hassle about the 45th day, when twenty extra jobs would be provided by Ice City, should they be approved.

4. Mr. Bill Godek - Mr. Godek had a question concerning the way the Board of Supervisors operate. Mr. Godek has heard the term of "operating the Township as a business", and since most businesses have some type of five year plan, Mr. Godek asked if the Township has any plan they go by proactively, or is it a reactive situation to all events that may occur.

Chairman Bennett advised there is a plan, the Township could not possibly come up with a budget if there was not a plan. Mr. Godek asked if that plan included projected accomplishments for the month, for a six month period or for the year. Chairman Bennett replied the Township's department heads each have a plan, on an individual basis.

Mr. Godek asked if there are written guidelines distributed to department heads to guide them through the plan, and if so, were they available for public review. Chairman Bennett answered written guidelines do exist, however they have not been available for public scrutiny in the past. Chairman Bennett noted these are personnel matters.

For example, Chairman Bennett explained, since Mr. Horrocks is our most recent employee, a set of written guidelines and objectives, as well as what the Board of Supervisors expected of him in terms of performance, was given to him at the beginning of his employment. Mr. Godek asked in what time frame these objectives were completed by Mr. Horrocks. Chairman Bennett stated Mr. Horrocks began his employment with Hilltown Township in early August of 1991, and he himself has not yet made his final determination of Mr. Horrocks performance to date. The plan is to have performance objectives completed annually, and reviewed quarterly.

Mr. Godek asked the procedure he must follow to inspect those written guidelines. Chairman Bennett felt Mr. Godek should ask Mr. Horrocks the procedures involved. Chairman Bennett has not personally submitted his yet concerning Mr. Horrocks, though he has them done, they have not yet been typed. Supervisor Bennington has already submitted his comments on the guidelines. Mr. Godek asked when these reports would be submitted and available for public review. Chairman Bennett thought they would be submitted within the next week.

5. Mr. Samuel Pierce - Mr. Pierce noted Hilltown Township now has a very nice field for recreational purposes, and felt everything about the proposed park located at the former Civic Field was beautiful, except for the present sign, which is very shabby. Mr. Pierce suggested the sign be re-painted and re-lettered so that it will conform with the rest of the appearance of the former Civic Field.

Chairman Bennett explained that aspect has not been neglected. The Park and Recreation Board is presently working on it and should be completed within the next few months. The Township has actually sponsored a contest asking for resident's suggestions for a name for the park, though only six entries have been received to date. The Township is well aware of the shabbiness of the sign, however that will be remedied within the next few months.

K. SUPERVISOR'S COMMENTS:

1. At the last Work Session, Supervisor Fox stated he spoke about establishing a Fact Finding Committee to research Township funds during a period of time from approximately January, 1987 through December, 1989.

There was a tremendous amount of money coming into Hilltown Township at that time, and Supervisor Fox felt more than that went out of the Township. As of the last Board of Supervisors meeting, the Township is in receipt of the Auditor General's Report, showing that two of the funds had been mis-used. Luckily, it was being called a "loan", because the new Board came in and replaced those missing funds. If Supervisor Fox were to hazard a guess, those funds would not have been replaced if Mr. Singley, former Township Manager, was still here.

Supervisor Fox stated the Township was short approximately \$78,000.00 in 1987, according to the Auditor General's report. The Non-Uniform Pension Plan was short approximately \$19,000.00. There was \$18,818.00 unfunded Non-Uniform liability, and \$78,175.00 unfunded Uniform liability. Plus, Supervisor Fox noted, the Township lost \$60,000.00 because these reports were not submitted in a timely manner. That \$60,000.00 consisted of \$30,000.00 in the Non-Uniform Pension Plan and \$30,000.00 in the Uniform Pension Plan. Also, the monies that were taken out totalled approximately \$76,000.00, which were taken illegally, though it was eventually returned by the previous Board.

Supervisor Fox felt this is an example of the problems that existed, and what he is proposing is to establish a Fact Finding Committee, with the only goal being to find those funds missing during that time period, and if this Board sees fit, to take the matter further, probably with an audit. Supervisor Fox proposes to establish a committee, with procedures and a protocol, to try and nail this situation down. Supervisor Fox has been asked by residents who have supported him, to attempt to find out what happened to these funds. In 1986, Hilltown Township went in with \$176,000.00, and came out with \$100,000.00+ "in the red". The reports the public and the Board of Supervisors received showed Hilltown Township was "in the black" for three years, and yet the Auditor's report in the beginning of 1990, showed Hilltown Township was "in the red" during those years.

Supervisor Fox has heard reports that the missing monies went towards the construction of this building. Hilltown Township's bond issue was in the amount of \$2.3 million dollars to construct this building, so therefore monies existed to pay for the building, which we are now paying back. The last cost estimate for the present municipal building that Supervisor Fox heard was just over \$2 million dollars. All these funds that came out of other funds, though Supervisor Fox is not saying they were done illegally, cannot be accounted for. One is the \$80,000.00, and the other is the building fund that no longer existed by the time of construction of this building. Supervisor Fox felt the Board owed it to the public to research this matter further, so that they do not think that any one is trying to "stonewall" an investigation or make excuses for Mr. Singley. Supervisor Fox has heard those excuses, which included Mr. Singley "needing the money due to problems in his family life". Supervisor Fox noted everyone has family problems. The money residents pay to the County and the Township in taxes is very important, and Supervisor Fox felt we should get to the bottom of this issue.

Supervisor Fox believes there is a three year period before the time statutes run out, to pursue the issue in a legal manner. Two years have already passed since the missing funds were discovered, and Supervisor Fox feels the Township should do something to discover what really happened to those funds. Two of the three years of missing funds were the largest building years Hilltown Township has ever experienced and the Township was also the leader in growth for all of Upper Bucks County during 1986, 1987, and 1988. Supervisor Fox felt part of the financial problems experienced by Hilltown Township these past few years have occurred due to these missing funds.

If the Board were to approve his proposal, Supervisor Fox would ask the public for volunteers to sit on this Fact Finding Committee. Supervisor Fox asked his fellow Supervisors for questions or comments on the subject.

Chairman Bennett has stated his views on this issue several times, and at this point he will not repeat them.

Supervisor Bennington would like the minutes to reflect the fact that Supervisor Fox's comments are his personal opinion, they are not Supervisor Bennington's opinion, nor are they the official line of the Hilltown Township Board of Supervisors.

Supervisor Bennington does not necessarily disagree with the formation of a Task Force of volunteers, but the constraint he personally would put on the volunteers would be that there would be no outside influence by the Board of Supervisors directing them as to what to look for and what to do. This committee would simply be an adhoc committee, investigating on their own, during daytime hours. Supervisor Bennington does not feel overtime should be paid for people to investigate our files. Supervisor Fox stated the files could be gathered during regular working hours and given to the committee to investigate at their leisure. Supervisor Bennington asked if the files would leave the Township building. Supervisor Fox replied no files would leave the Township building, if he can help it, at any time.

Supervisor Bennington reinforced his original statement that if such a volunteer committee was formed, there would be no outside influence from any Supervisor telling them what to do and where to look. Supervisor Fox replied you cannot send a committee in here without them knowing where to look for information, and Supervisor Fox feels he knows some of the places to look. Supervisor Bennington felt Supervisor Fox was already guiding the proposed committee in the direction he wants them to go. Supervisor Fox asked how the Township originally found the checks that were missing, and stated someone from the bank guided officials to those missing checks.

Supervisor Bennington suggested advertising for volunteers for the formation of a task force that will investigate this issue during daytime hours, without any overtime, and stipulating that Township records will not leave the municipal building.

Mr. Ron Theis asked what the Board intended to do with the information the proposed task force would gather, and how far they planned on taking it. Otherwise, Mr. Theis did not feel it would be worth researching the information.

Supervisor Fox replied Mr. Singley was bonded, and on several of the funds which were deleted, the money was taken illegally or not handled according to the current law. There is a good chance that Hilltown Township could go to the bonding company to retrieve some of that money, which would be a lot more than would be spent on researching the matter. Mr. Theis asked what else could be done. Supervisor Fox replied an audit could be completed for 1987 and 1988, with most of the work done by this proposed committee, because they will be gathering the materials.

Chairman Bennett noted an independent auditor will not pay one bit of attention to what this adhoc committee would find, as they will complete their own independent audit. The last time Hilltown Township had an independent audit, those auditors did not consult Hilltown Township's elected auditors.

Supervisor Fox felt what he is hearing is "stonewalling", trying to find excuses not to establish this adhoc committee. Motion was made by Supervisor Fox to establish a volunteer committee, preferably with auditing or accounting skills, to go through the procedures established by this Board to find the missing monies.

Chairman Bennett felt establishing such a committee would take a lot of Township employee's time to gather the records this proposed committee might request. The last time independent auditors were here, it took a lot of time for our employees to gather the requested information. Supervisor Fox replied that was because there were no records for 1989. Chairman Bennett stated that was not the case, there were some items that could not be found. As far as Chairman Bennett is concerned, the doors are open, the drawers are open, and there is nothing to hide. Chairman Bennett felt Supervisor Fox has had a hang up on this subject for a couple of years. Supervisor Fox stated the issue has been "stonewalled" for two years. Chairman Bennett asked

Supervisor Fox who he thought called in the outside auditors to begin with. Supervisor Fox felt Chairman Bennett called for an outside audit at that time only because the wrongdoing was so obvious at that point. Chairman Bennett explained he attempted to call for an outside audit six months earlier than it had taken place, however he could not get the vote as he was in the minority at the time. Perhaps if Supervisor Fox looked at it from an overall point of view, Chairman Bennett felt he might realize the tax base Hilltown Township had at that time was three mills. Today the tax base is 15 mills, which is five times what it was before. Chairman Bennett had said, several years ago, that taxes should have been raised three or four years ago (even though he voted against a tax increase this year). Chairman Bennett felt the Township simply overspent the monies we had coming in. Supervisor Fox may talk about all this money, but at that time, there was a three mill tax base. Chairman Bennett noted the construction of this building was originally estimated at \$900,000.00. The first time it came out publicly the cost was estimated at \$1.2 million at the Civic Association meeting back in 1986 or 1987, and yet Hilltown Township ended up spending over \$2 million on it, that is where the big differences are.

Chairman Bennett stated when the last independent audit was completed in 1989 by three CPA's and a report was given at a public meeting, this audience was full. At that meeting, the question that Mr. Fox has raised this evening came up, asking why an independent audit was not done for the years of 1987 and 1988. Chairman Bennett explained the main reason was because it was determined the cost to the Township would be approximately \$25,000.00 to \$30,000.00. Mr. Larry Gruver, a member of the independent auditing team hired to audit Hilltown Township's financial records, advised possibly \$7,000.00 or \$8,000.00 might be found as a result of an audit for the years of 1987 and 1988. Chairman Bennett was not willing to spend that amount of money to possibly find \$7,000.00 or \$8,000.00, and his opinion has not changed. Chairman Bennett worked at the Township full time for seven months in 1991 and three months in 1990, and feels that if any of this information was evident, it would have been discovered long before this. Chairman Bennett had hoped to bring in independent auditors this year, in an attempt to reassure the citizens that there was no "hanky-panky", however it became a budget item which would have cost the Township a large sum of money. It is hoped that independent auditors will be brought in next year. Chairman Bennett feels to go back in history that far would be a waste of time and a waste of money, and he continues to stand by what he said two years ago.

Mr. John Bender, a resident, asked what initiated the 1989 audit in the first place. Chairman Bennett replied it is routine. It is Supervisor Fox's understanding that in March of 1990, following the independent audit, Hilltown Township Police wanting to know the status of their pension fund, contacted the Auditor General. The Auditor General's audit of pension funds was completed on September 25, 1990. Supervisor Fox has recently heard that just a few months ago, the Police, after waiting almost

a year and a half, again wanted to check the status of their pension funds, employed a lawyer to contact the Auditor General's office, which is how this has come about. Mr. Bender asked if there were any other glaring problems at the time of the audit. Supervisor Fox replied the Auditor General's audit was done only on employee pension funds. Mr. Bender mentioned that funds being moved between different accounts had been discussed previously, and therefore the auditors must have been following a trail. Supervisor Fox does not know how they discovered this information, however he does know that Hilltown Township under-reported the amount of money available in these funds to the Pennsylvania Municipal Retirement System. All that was reported was the funds the State held, but not the funds the Township held, which is how Supervisor Fox feels they were made aware of the problem and this was named in the auditor's report. Supervisor Fox stated Hilltown Township is \$78,000.00 short in our actuarial funds to date, plus whatever interest which might be owed for these monies.

Supervisor Bennington asked Solicitor Grabowski to make known to the public the concerns he has regarding liability for the proposed task force if they should start to "point fingers", and whether the Township can be held liable. Solicitor Grabowski commented if a fact finding body is established, there should be complete and full disclosure of proper instructions to that group as to what their actual function is. Solicitor Grabowski feels the worst thing that could happen is if the fact finding body comes back and begins pointing fingers at certain people, the fact finding committee knows they will be guaranteed coverage by way of Errors and Omissions insurance by the Township, or whether they should check with their own homeowner's insurance policy to see whether they would be covered. Solicitor Grabowski does not want to see anyone get into the situation where they may "bite off more than they can chew". Supervisor Fox agreed, and felt what the fact finding committee should be charged with is relaying any information they find, without making any accusations, directly to the Board of Supervisors.

Supervisor Bennington asked Solicitor Grabowski if he had any legal problems, conceptionally, with the idea of the establishment of a task force. Solicitor Grabowski replied that he does not and felt it was obviously a policy decision to be made by the Board of Supervisors. Since there is a question in Supervisor Fox's mind, the only way to resolve the issue may be by having someone look into the matter. Supervisor Bennington stated the Board could advertise for members to this task force, select volunteers to serve on it, and then establish policies and procedures to be followed by this committee. If the Board cannot agree on policies and procedures, which is quite possible, the task force could then be disbanded. Solicitor Grabowski noted that is the Supervisor's prerogative, as members of the Board. On that basis, Supervisor Bennington has no problem with advertising for establishment of this adhoc committee, as long as it is understood that all three Supervisors must agree upon the policies and procedures set forth.

Supervisor Bennington seconded the motion made earlier by Supervisor Fox, with the stipulation that the comments Supervisor Fox made earlier about Mr. Singley, are perceived to be Supervisor Fox's opinion and his opinion alone. They are not Supervisor Bennington's comments, nor are they comments that should be attributed to the Board of Supervisors, as a whole. Chairman Bennett agreed and the motion passed unanimously.

2. Supervisor Bennington questioned the status of Pleasant Meadows bridge. Mr. Wynn has spoken with John Garis, with Tom Cordrey, who is his soil scientist/wetland expert, and with Kirk Klaus of Urwiler and Walter. Mr. Cordrey had some clarification of information he needed to submit to the Army Corp. of Engineers, which is what he also told Mr. Wynn in December. Mr. Cordrey expected to have that information by Christmas of 1991 from Urwiler and Walter. According to Kirk Klaus, they will have the plan to Mr. Cordrey by the end of last week.

Supervisor Bennington asked how long after the Army Corp. of Engineers gets the material, can they make a decision on the Pleasant Meadows bridge. Mr. Wynn advised the problem lies in the fact that the Army Corp. of Engineers has so many days in which to take an action, since this is second time that they have lost the file (DER did it once), and requested that copies of all previous information be re-submitted. The Army Corp. of Engineers also indicated the re-submitted information was incomplete because there was not a listing of local newspapers within which to advertise the consideration, which according Dr. Cordrey is not on their list at all as a requirement for submission. This information was then submitted and apparently there was additional information required on the plan, as far as the area of mitigation. Unless they come up with something new, Mr. Wynn advised there is no more information they need to have, and they then have 60 days to act. A DER permit exists, however the Township does not have Army Corp. of Engineer approval at this point. The DER permit was issued last spring and is good for two years. There is approximately \$110,000.00 still being held of Mr. Garis' funds for the construction, which is sufficient to do the construction.

3. Supervisor Bennington thought the Fire Panel and the Recycling Committee were going to be replaced this evening with actual boards. Chairman Bennett intended on recommending to the Board that these two committees are made permanent boards, instead of an adhoc committee.

Of the six Fire Panel members, the Board suggested appointing two of the members to a one year term, two members to a two year term, and two members to a three year term. Concerning the Fire Panel, the Board's recommendation is that Charles Barclay and William Bennett serve for one year, Clair Clemens and Bob Higgins serve for two years, and Dr. McKeon and Jack Morgan would serve for three years. After the first year, each board member would then be on a three year rotating basis.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to change the name of the adhoc Fire Panel to a permanent board called Hilltown Township Fire Commission with the names and terms listed above. In addition, Supervisor Fox suggested the Board appoint another member to the Fire Commission in the future, so that there are seven members on the Fire Commission.

Since there are some vacancies on the Recycling Committee, Supervisor Fox recommended appointing those members to terms and establishing a permanent board at the March, 1992 Board of Supervisor's meeting.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to appoint Mr. Ray Weidner to one of the vacant positions on the Hilltown Township Water and Sewer Authority. Chairman Bennett announced the second vacancy on the Water and Sewer Authority will be appointed, following interviews of applicants, at the March 23, 1992 Board of Supervisor's meeting.

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

N. ADJOURNMENT: Upon motion by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously, the February 24, 1992 Board of Supervisor's meeting was adjourned at 10:45PM.

Respectfully submitted,

Lynda Seimes

Lynda Seimes

Township Secretary

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

C. ROBERT WYNN ASSOCIATES, INC.

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Memo To: Hilltown Township
From: C. Robert Wynn
Subject: Escrow Release Summary
Date: February 20, 1992

1. Garges Land Development - Authorization Voucher No. 1 dated February 19, 1992 in the amount of \$1,067.75 for const. obs./esc. admin. for period from 11/1/91 thru 1/31/92.
2. Orchard Station - Authorization Voucher No. 18 dated February 14, 1992 in the amount of \$392.89 for const. obs./esc. admin. for period from 9/1/91 thru 12/31/91.
3. Orchard Station - Authorization Voucher No. 19 dated February 19, 1992 in the amount of \$69,764.40 for storm sewer, roadway, widening, E&S control, and street trees.
4. Orchard Station - Authorization Voucher No. 20 dated February 19, 1992 in the amount of \$60,102.35 for release of contingency funds.
5. Sterling Knoll Phase II - Authorization Voucher No. 44 dated February 18, 1992 in the amount of \$194.25 for const. obs./esc. admin. for period from 11/1/91 thru 1/31/92.
6. Schade - Authorization Voucher No. 1 dated February 18, 1992 in the amount of \$73.13 for const. obs./esc. admin. for period from 10/1/91 thru 12/31/91.
7. Stoneycrest - Authorization Voucher No. 5 dated February 14, 1992 in the amount of \$2,422.47 for reimbursement for const. obs./esc. admin. for period from 11/1/91 thru 12/31/91.