

821

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED PUBLIC MEETING
Monday, March 11, 1991
7:30PM**

The meeting was called to order by Chairman William H. Bennett, Jr. at 7:40PM and opened with the Pledge of Allegiance.

Also present were: Betty J. Kelly, Vice-Chairperson
Kenneth B. Bennington, Supervisor
Francis X. Grabowski, Township Solicitor
Thomas Buzby, Director of Public Works
Eric Applegate, Bldg.Insp./Zon.Officer
George C. Egly, Police Chief
Maria Gerhart, Recording Secretary

Chairman Bennett announced the Supervisors held an Executive Session prior to this meeting to discuss litigation and personnel matters.

A. APPROVAL OF MINUTES:

Supervisor Bennington stated he would prefer underlining not be used for emphasis on particular words in the body of the minutes. Supervisor Bennington advised on page 13, paragraph four, the statement should read "This was a complaint that was then relayed to the Bucks County Department of Health".

Chairman Bennett noted on the bottom of page 8, the statement by Ms. Eberle regarding the 2% increase over the prior franchise agreement with Suburban Cable, is a 2 percentage point increase, resulting in an actual 66% increase. The Township is hoping to collect approximately \$20,000.00 from the Cable TV franchise in 1991, as opposed to the \$13,000.00 collected in 1990.

Motion was made by Supervisor Kelly, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the February 25, 1991 Board of Supervisor's meeting as corrected.

B. APPROVAL OF CURRENT BILLING:

Chairman Bennett advised current billing for this period is \$19,047.00. Approximately \$9,200.00 is for liability insurance from Nationwide Insurance. Chairman Bennett explained to Mr. John Snyder of Nationwide Insurance that Nationwide's bills presented for payment are being held at this time due to lack of funds, however they will be paid in due course.

Supervisor Bennington questioned the \$470.00 bill to Neissen, Dunlap and Pritchard. Chairman Bennett replied the bill is for ongoing consulting fees, primarily telephone consultations, with one meeting taking place between the Financial Officer and a representative of Neissen, Dunlap and Pritchard.

Motion was made by Supervisor Kelly, seconded by Supervisor Bennington, and carried unanimously to pay all bills when due.

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

D. CONFIRMED APPOINTMENTS:

1. Father Black, St. Phillip's Orthodox Church - Father Black was in attendance to discuss the approved undeveloped portion of church property. Father Black stated his son entered into an agreement with the church to purchase one of the proposed vacant lots to construct a home. They have made application with the Bucks County Health Department for a perk test, and were surprised by the Health Department's comments that the property in question was a sewer property and would have to receive documentation from the Township that it is not. Father Black furnished copies of the letter from the Bucks County Health Department and presented a drawing which shows the developed and undeveloped portions of the church property.

After speaking with Mr. Applegate, Building Inspector/Zoning Officer, Father Black felt the Board of Supervisors could clarify the question regarding sewer. Father Black and the congregation felt it would be ecologically beneficial to the community and helpful to them, if they could be assured of sewer connections for proposed development of the two lots.

Supervisor Bennington explained when the Supervisors approved Solar Atmospheres, which is located across the street from St. Phillip's Church on Clearview Road, the recommendation by both the Planning Commission and the Board of Supervisors was explicit in that the sewer line would stay on that side of the street since it is zoned CR - Country Residential. Supervisor Bennington asked if Father Black is proposing to connect the church property to public sewer with a lateral. Father Black stated that is the church's intention. Supervisor Bennington commented he sympathized with St. Phillip's Church, being a non-profit organization, however, he also felt that by approving an expansion of sewer lines into the Rural Residential District, future development will expect the same approval. Chairman Bennett agreed with Supervisor Bennington, but stated he would rather see the church property connect to the existing sewer line, despite the fact that it is technically incorrect in the Rural Residential District. It did not make sense to Chairman Bennett from an economic point of view, to spend \$1,000.00 for initial testing, and then perhaps another \$11,000.00 - \$12,000.00 for a sand mound, when there is a sewer line available within 150 feet of the roadway.

If this waiver were to be granted, Supervisor Bennington questioned whether re-advertisement for revision of the Comprehensive Plan would be needed, since the Plan was just approved. This waiver would change the two lots in question from Rural Residential District to Country Residential District. Solicitor Grabowski advised the prior Sewage Facilities Plan is still in place, which would need to be reviewed in this case.

4215

Solicitor Grabowski thought a portion of St. Phillip's frontage property is listed within the original Sewage Facilities Plan allowing for public sewer, although the rear portion of the property is not listed.

The Board of Supervisors has the flexibility to review the issue from the standpoint that it is an extension of sewer via private lateral. Supervisor Kelly stated she agreed with Chairman Bennett and felt a waiver should be granted for sewer hookup for the St. Phillip's Church property.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to table the St. Phillip's Orthodox Church request until the March 25, 1991 Board of Supervisor's meeting pending further review.

2. Mr. Jack Hetherington - Fretz Enterprises, Inc. Mr. Jack Hetherington and Mr. Carl Fretz, president of Fretz Enterprises, Inc. were in attendance. Mr. Hetherington explained Mr. Fretz's business is located on Old Bethlehem Pike, just south of Rt. 113, and consists of selling campers and recreational vehicles. Mr. Fretz also utilizes property on the opposite side of Old Bethlehem Pike, next to the Turner Trucking facility.

Mr. Hetherington presented a plan showing an existing metal building on a fully blacktopped lot with a retaining wall in the rear. The building is located within the requisite building envelope, and there are no setback encroachment problems. Mr. Fretz has submitted a building permit to add approximately 2,000 - 2,400 square feet to the rear of the existing building. Mr. Hetherington explained Mr. Fretz would essentially be creating indoor space so that the vehicles he already has on the lot for sale, maintenance or service, can be repaired inside a building, rather than outside. Mr. Fretz has received a letter from the Zoning Officer denying the building permit request and referring to Ordinance #89-5, Section 233, regarding a Land Development. Mr. Hetherington has spoken with Mr. Applegate, Building Inspector/Zoning Officer, and after having read Ordinance #89-5, Mr. Hetherington believes Mr. Applegate feels the owner or user of commercial property who wishes to add to an existing building, or construct a new building, would need to file a Land Development plan. Mr. Hetherington does not feel the Municipalities Planning Code intends that every time an addition is constructed to an existing commercial building, a Land Development plan is required.

Mr. Fretz has retained a civil engineer, Mr. Robert Showalter, and Mr. Hetherington to submit a Land Development plan. Mr. Hetherington stated if the Board of Supervisor's agree with his interpretation of the Municipalities Planning Code and Ordinance #89-5, his client would request exemption from submitting a Land Development plan.

Based upon legal advice he has received defining Land Developments, motion was made by Supervisor Bennington to waive submission of a Land Development plan by Fretz Enterprises, Inc., and direct Mr. Fretz to see the Building Inspector/Zoning Officer tomorrow to receive a permit. Chairman Bennett questioned

the size of the existing building. Mr. Hetherington replied it is approximately 4,200 square feet. Motion was seconded by Supervisor Kelly and carried unanimously.

Regarding the transfer of ownership of the Civic Field from the Civic Association to Hilltown Township, Chairman Bennett asked Mr. Hetherington for a status report of the necessary documents. Mr. Hetherington presented a draft copy of the Civic Association's agreement for the Board's review.

3. Mr. Bob Higgins - Fire Panel - Mr. Higgins was in attendance as a representative of Hilltown Township Fire Panel. Mr. Higgins explained a Fire Panel meeting was held to review guidelines for distribution of the Reserve Fund that has been established and presented the guidelines for the Board's approval.

Mr. Higgins and Supervisor Bennington read the final draft which follows:

"The requesting Fire Departments must submit, in writing, a request for funds from the Hilltown Township Emergency Fire Fund Reserve, using the following guidelines:

The request must identify replacement, repair and/or purchase of critical and/or major equipment that results from the unforeseen circumstances and the equipment is needed for safety operation within the acceptable standards of the Pennsylvania Fire Commission.

The Fire Panel will make the determination on the nature and the importance of the critical and/or major equipment prior to making a recommendation to the Hilltown Township Board of Supervisors.

The Fire Department must present, in writing, a proposal of the breakdown of the estimated costs from the outside supplier stating the estimated amount of replacing, repairing, or purchasing equipment with the funds being requested.

The Fire Department must present, in general terms, procedures that they instituted for fund raising or appropriate provisions prior to requesting the funds from the Hilltown Township Emergency Fire Fund Reserve.

The total amount of funds to be distributed will be accepted or rejected as determined by the Fire Panel, up to 10% of the total amount requested by the Fire Department, or the amount to be determined at the discretion of the Fire Panel, not to exceed a maximum amount of \$5,000.00 per request. Any amount of funds to be distributed by Hilltown Township first must be recommended by the Hilltown Township Fire Panel, and then must be approved by the Hilltown Township Board of Supervisors.

The Fire Department receiving funds from the Hilltown Township Emergency Fire Fund Reserve must report the completion of the repair, replacement and/or purchase of requested equipment to the Hilltown Township Fire Panel within six months of receipt of funds.

825

The Fire Panel will post at the Hilltown Township building, it's intended recommendations 10 (ten) days prior to presentation to the Hilltown Township Board of Supervisors. Public Comments will be accepted by the Fire Panel up to 4 (four) days prior to presentation to the Hilltown Township Board of Supervisors.

The maximum amount in the Emergency Fire Fund Reserve will not exceed \$50,000.00 for 1991 and last, but not least, the above guidelines and amounts will be reviewed annually by the Hilltown Township Fire Panel."

Mr. Higgins explained Mr. Jack Morgan, Chairman of the Fire Panel, has outlined a standardized fire report for the seven participating Fire Departments. This will help to make Township report submissions more uniform. Mr. Higgins stated a Fire Panel meeting will be held on Tuesday, March 12, 1991 with all seven responding Fire Company presidents and chiefs in attendance.

4. Mr. Mark Lockhard and Mr. Lawrence Grim, Suburban Cable TV - Mr. Grim commented earlier this evening Chairman Bennett pointed out the potential increased revenues that would flow to Hilltown Township from the Cable TV Ordinance enacted on Monday, February 25, 1991. Mr. Lockhard has confirmed those projections are approximately correct. However, Mr. Grim explained his client, Suburban Cable, has a problem with the Ordinance as enacted.

Mr. Grim advised what the Board of Supervisors did in 1982, when the original ordinance that brought cable television into the Township was passed, was not just grant Suburban Cable a revokable license. Hilltown Township had entered into an agreement granting a fifteen year term at the rate of 3%. Mr. Grim quoted a letter from Charles Wilson Associates, which in part, states "Please note, the ordinance contains all the terms for the agreement between Hilltown Township and your company. There will be no separate agreement, but rather the ordinance will act and serve as the agreement". Therefore, in his client's view, Mr. Grim stated, in 1982 Suburban Cable was granted a fifteen year contract at 3%. However, according to the recently passed ordinance, what Hilltown Township proposes to do is to grant Suburban Cable five more years, which in reality is the last five years of the 1982 agreement, plus Suburban Cable will be required to pay 66% more for this privilege. Mr. Grim did not feel this was fair considering how the cable television business works. Mr. Grim explained Suburban Cable must put out substantial expenditures to erect new lines and facilities. The FCC and their own accounting procedures set forth and dictate what kind of terms can be advertised. The typical kind of franchises the FCC would like is anywhere from 15 to 20 years. Mr. Grim stated he has been authorized by Mr. Lockhard to accept a contract of ten additional years, beyond the expiration of the first fifteen year contract. If granted, Suburban Cable would certainly agree with the ordinance as amended.

Solicitor Grabowski stated approximately eighteen months to two years ago, there was some correspondence to the previous Township Manager suggesting that Suburban Cable would like to have a new ordinance considered which would supercede the existing ordinance. It was the Township's thought this meant a new ordinance was needed and felt perhaps fifteen years was too long, hence the ordinance was drafted for a five year period. Solicitor Grabowski advised amending the ordinance to reflect a ten or fifteen year time period would be a policy decision by the Board.

Supervisor Bennington asked if the Board of Supervisor's agree to the compromise of an additional ten years, is the Township locked into the 5% rate for the length of the contract or can the Township re-negotiate this percentage rate. Mr. Lockhard replied under the current law, the Federal Communications Policy Act states there is a 5% cap on franchise fees paid to the Township at this time. Supervisor Bennington asked if the Federal Government should raise the cap to 8%, would the Township be locked into 5% for the duration of the contract. Mr. Lockhard stated the Township is always free to negotiate.

Motion was made by Supervisor Kelly, seconded by Supervisor Bennington and carried unanimously to re-advertise for the adoption of the revised Cable TV Ordinance to extend the contract from a five year term to a fifteen year term, with the newspaper advertising at Suburban Cable's expense.

E. MANAGER'S REPORT

1. Chairman Bennett read the Treasurer's Report for the period ending February 28, 1991, which follows:

General Fund Checking	
End of Month Balance:	\$ 6,496.74
Payroll Checking Account	
End of Month Balance:	\$ 155.53
Fire Fund Checking	
End of Month Balance:	\$ 32,070.20
Debt Service Investment/Checking	
End of Month Balance:	\$ 2,363.26
State Highway Aid/Checking	
End of Month Balance:	\$ 187.55
Escrow Fund/Checking	
End of Month Balance:	\$ 95,526.17

2. Chairman Bennett stated the next payroll will not be met unless a large amount of revenues are received, so therefore Chairman Bennett entertained a motion to borrow money from the Escrow Fund, on a temporary, emergency basis.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to borrow money from the Escrow

827

Fund to meet this week's payroll, with the stipulation the monies be returned to the Escrow Fund immediately upon receipt of such.

Chairman Bennett explained lack of revenues at this time of year is a temporary problem experienced by most municipalities.

3. Chairman Bennett read the Building/Zoning Report for the month of February. This report is on file at the Township building.

F. PUBLIC WORKS REPORT - Mr. Thomas Buzby, Director of Public Works -

The Public Works Report for the period of January 27, 1991 through February 23, 1991 was read by Mr. Buzby and is on file at the Township building.

Mr. Buzby advised a new engine was needed on the brush chipper. The estimate to rebuild the engine was between \$1,000.00 and \$1,5000.00, depending on what was required. The Public Works Department rebuilt the engine themselves for approximately \$300.00. Mr. Buzby publicly commended his crew for a job well done.

Mr. Buzby explained a Commercial Driver's License is mandatory for all Public Works Department members to operate any truck that grosses over 26,000 pounds, which encompasses the majority of the department's trucks. There is a training session offered free of charge, by the Upper Bucks Consortium on April 25, 1991 at the Richland Township Building. Mr. Buzby requested the Board's approval for the entire Public Works Department to attend the training session.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to authorize attendance of the Public Works Department at the Commercial Driver's License seminar being held at the Richland Township Building on April 25, 1991.

Chairman Bennett asked if there would be testing following the seminar. Mr. Buzby replied testing will be held on May 2, 1991 by PennDot officials.

Supervisor Bennington questioned how much salt and cinders would be available for next year, if it does not snow again this season. Mr. Buzby stated a substantial amount of both would be available to cover November, and the beginning of December, 1991.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unaimously to hold the semi-annual road inspection of Township Roads on Saturday morning, April 6, 1991.

Mr. Buzby advised two half day sessions of CPR training are being scheduled for the Public Works Department. These sessions will be taught by Ms. Linda Hangey of the Police Department, who has completed a CPR instructors course.

EVE
G. POLICE CHIEF'S REPORT - Chief George C. Egly - Chief Egly read the Police Report for February 1991. This report is on file at the Township office.

Chairman Bennett mentioned Eric Motis pled guilty today to the murder of the Hoopes' family in Hilltown Township.

Chairman Bennett stated advertisement for bids for the purchase of a new unmarked police car took place in February. A bid opening occurred today, March 11, 1991, at the Township building at 2:00PM, with only one bid being submitted for review.

Chairman Bennett advised bidders were asked to quote bids two ways - as a straight sale or with a trade-in of the present 1983 unmarked car. The lone bid was received from A & T Chevrolet.

Chairman Bennett stated the bid submitted was \$13,989.00 without a trade. If a trade-in is used, A & T would give \$1,000.00 for the old car, making the net price \$12,989.00.

Supervisor Bennington asked for status of the unmarked car which may be used for a trade-in. Chief Egly advised the unmarked car is a 1983 with 117,000 miles, and it has been estimated it would require between \$500.00 and \$1,000.00 to repair to pass inspection.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to accept the bid from A & T Chevrolet for the 1991 unmarked police vehicle in the amount of \$13,989.00 with a 30 day delivery.

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

1. Solicitor Grabowski presented a Deed of Dedication for the Grafton Subdivision. The Grafton Subdivision is a minor subdivision located on County Line Road. Mr. Grabowski recommended the Board of Supervisors accept Resolution #91-15 to accept the Deed of Dedication for the Calvin Grafton Subdivision, and to accept Resolution #91-16 to Declare Public Purpose for Acceptance of Deed of Dedication for the Calvin Grafton Subdivision.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to adopt Resolution #91-15 and Resolution #91-16 for the Calvin Grafton Subdivision as stated above.

2. Solicitor Grabowski mentioned an apparent zoning violation on a parcel of property on the southwest corner of South Perkasio Road and Blooming Glen Road. The Zoning Officer has issued a Cease and Desist Order to the property owner, Rents, Industries. Solicitor Grabowski advised the time period has passed without any compliance action being accomplished by the property owner, and he requests authorization by the Board of Supervisors to file a complaint, according to the Zoning Ordinance with the appropriate District Justice in the matter.

829

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to authorize the Solicitor's office to file a complaint for non-compliance on Rents, Industries.

3. Solicitor Grabowski advised the Township met with the Township Police Bargaining Unit regarding the contract, approximately three weeks ago, however nothing has been agreed upon and it appears the issue will be going to arbitration. The tentative time period for the arbitration hearing date will be mid to late April. The third arbitrator has been chosen. The arbitration hearing will be a public hearing at which time both sides will present their information and statistics for review by the arbitration board.

4. Solicitor Grabowski stated the matter of Trader's Village litigation has been turned over to the insurance carrier for the Township. There is nothing new to report on the status of the case.

I. CORRESPONDENCE:

1. Chairman Bennett presented a letter he received from PennDot regarding a possible reimbursement for the repair of some State roads within the Township by Hilltown Township Public Works Department. This follows the fact that Chairman Bennett had asked Mr. Buzby and his crew to repair some of the worst pot holes until PennDot crews could comply. Even though the Township did not receive any direct compensation, PennDot thanked the Hilltown Township Public Works Department and supplied a truckload of cold patch, worth approximately \$250.00. Since that time, Chairman Bennett has investigated a joint reimbursement for Township roads, and has supplied a copy of this agreement for Solicitor Grabowski's review.

Supervisor Bennington asked if PennDot has responded to the complaints of constant icing on the particular portion of Hilltown Pike, which has been discussed at previous meetings. Mr. Buzby replied PennDot has been out to inspect the site and made some minor repairs, however, Mr. Buzby did not feel PennDot had done a very good job. Chairman Bennett has spoken to Mr. Lancenese of PennDot who stated they are experiencing serious crew shortages. Chairman Bennett will investigate this matter further.

J. RESIDENT'S COMMENTS

1. Mr. Joe Miketta, Hilltown Pike - Mr. Miketta stated PennDot was at the site last Monday with the gradall to clear the ditches in the area of this icing problem. The PennDot crew informed Mr. Miketta they will be working on this problem for the next several months, during rainy weather. Apparently, according to Mr. Miketta, the PennDot crew cannot access the gradall except during inclement weather, when it is not scheduled to be used in assigned areas. Mr. Miketta did not know who was responsible for prodding PennDot to address this problem, but he wanted to thank the Board of Supervisors, Mr. Tom Buzby, the Police Department, Mr. John Snyder, and Mr. Ken Beer of the Planning Commission, for their attention to this matter.

830

Mr. Miketta advised the owner of Long Lane Farm, at great expense to himself, will be purchasing pipe to divert some of the running water from the swale on the other side of the road. Mr. Miketta stated he will be adding new pipe on their side of the road, as well.

2. Mrs. Jean Bolger - Mrs. Bolger thanked Mr. Buzby and the Public Works crew for repairing potholes on Hilltown Pike.

3. Ms. Lee Buchanan-Gregory, Blue School Road - Ms. Buchanan-Gregory submitted a letter to the Board of Supervisors on January 7, 1991 disputing a settlement which she received that differs from the amount agreed upon by the Board of Supervisors when the Acting Township Manager's position was dissolved. As of this date, Ms. Buchanan-Gregory advised she has not received a written response to her inquiry from the Board of Supervisors. Ms. Buchanan-Gregory's attorney also sent a letter to the Board dated January 30, 1991, addressing the same issues as the January 7, 1991 letter, and he has not received any response as of this date. Ms. Buchanan-Gregory questioned whether she and her attorney will receive a written response from the Board of Supervisors addressing these issues.

Solicitor Grabowski explained this issue could be discussed publicly at this meeting, or if the Board wishes, since it is a personnel matter, it could be discussed in Executive Session. Chairman Bennett suggested since it is a personnel matter, it should be discussed at another time, and stated Ms. Buchanan-Gregory will be receiving a written response from the Board of Supervisors within the next week.

4. Mr. John Snyder, Hilltown Township Fire Company - Mr. Snyder updated the Board on the status of the equipment for the Hilltown Township Fire Company. Since the last Board of Supervisor's meeting, a pumper was put into service. Nine days after the one engine went out of service, a new engine was added to the vehicle and a complete overhaul took place. Total cost of the repair was somewhere between \$16,000.00 and \$20,000.00. Mr. Snyder explained Hilltown Township Fire Company is petitioning the Board and the Fire Panel for reimbursement of these repair costs. The Hilltown Township Fire Company is now back to a full compliment of equipment.

K. SUPERVISOR'S COMMENTS -

1. Supervisor Bennington stated when the Green Meadows Playground Association was present, the Board had promised them a response regarding the parking lot area. Chairman Bennett advised Mr. Wynn had been ill last week, but is back to work this week and will contact the Green Meadows Playground Association.

2. Supervisor Bennington made a motion to appoint Mr. Jeff Keeley to the position of Zoning Hearing Board Alternate. Motion was seconded by Supervisor Kelly and carried unanimously. Chairman Bennett introduced Mr. Keeley who was present in the audience.

Page 11
Board of Supervisors
March 11, 1991

831

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

N. ADJOURNMENT - There being no further business, a motion for adjournment of the Board of Supervisor's meeting of March 11, 1991 was made by Supervisor Kelly, seconded by Supervisor Bennington and carried unanimously at 9:03PM.

Respectfully submitted,

Lynda Seimes

Lynda Seimes
Assistant Township Secretary
(*These minutes were transcribed from recordings and notes taken by Mrs. Maria Gerhart, Recording Secretary).