

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED WORKSESSION MEETING
Monday, October 14, 1996
7:30PM**

The regularly scheduled worksession meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr. at 7:38PM and opened with the Pledge of Allegiance.

Also present were: Kenneth B. Bennington, Vice-Chairman
Jack C. Fox, Supervisor
Bruce G. Horrocks, Township Manager (arriving at approximately 8:18PM)
Thomas A. Buzby, Director of Public Works
George C. Egly, Chief of Police
Lorraine Leslie, Bookkeeper

A. APPROVAL OF CURRENT BILLING: Chairman Bennett presented the Bills List dated October 14, 1996 with a grand total of all funds in the amount of \$166,799.69.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List dated October 14, 1996, subject to audit.

B. APPROVAL OF MINUTES: Action on the minutes of the August 26, 1996 Board of Supervisor's meeting: Supervisor Fox noted the following correction:

- pg. 17, paragraph three, should read "Supervisor Bennington suggested the Zoning Hearing Board members receive copies of the review by the **Hilltown Township Planning Commission** of the sign portion of the Zoning Ordinance. Supervisor Fox agreed."

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the August 26, 1996 meeting, as corrected.

Action on the minutes of the September 9, 1996 Supervisor's Worksession meeting: Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the September 9, 1996 Supervisor's Worksession meeting, as written.

Action on the minutes of the September 23, 1996 Board of Supervisor's meeting: Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the September 23, 1996 Supervisor's meeting, as written.

C. HILLTOWN TOWNSHIP WATER AND SEWER AUTHORITY REPORT - Mr. Jim Groff, Operations Manager - Mr. Groff read the Authority report for

the month of September, 1996 which is on file at the Township office.

D. DIRECTOR OF PUBLIC WORKS REPORT - Mr. Thomas A. Buzby - Mr. Buzby read the Public Works Report for the period of September 1 through September 28, 1996, which is on file at the Township office.

The Board of Supervisors recognized Mr. Buzby's 25 years of employment with Hilltown Township by presenting him with a cake and a token of their appreciation. On behalf of the Board, Supervisor Bennington thanked Mr. Buzby for his dedicated and conscientious service over the years, stating that Hilltown Township is fortunate to have the best Director of Public Works in Bucks County, and possibly the best in the state of Pennsylvania.

The meeting recessed at 7:53PM and reconvened at 8:08PM.

E. POLICE CHIEF'S REPORT - Chief George C. Egly, Jr. - Chief Egly read the Police Report for the month of September, 1996 which is on file at the Township office. Chief Egly supplied a copy of the Silverdale Borough Police Report for the Board's review.

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

Mr. Lupinacci thanked everyone involved in making Hilltown Township's first Community Day a success. The Park and Recreation Board requested that a separate line item be included in next year's budget for future Community Days to be held on an annual basis.

Supervisor Fox thanked Mr. Lupinacci, Mr. Horrocks, and Mr. Buzby for their hard work in preparing the park for Community Day. Chairman Bennett and Supervisor Bennington agreed.

G. HILLTOWN FIRE CHIEF'S REPORT - Mr. William Devlin - Mr. Devlin read the Hilltown Fire Company report for the months of August and September of 1996, both of which are on file at the Township office.

Final inspection of the new rescue truck took place this past Saturday, and delivery will be on Friday, October 18, 1996.

Mr. Devlin mentioned the contribution in the amount of \$150,000.00 to be provided by the developers of the Hilltown Crossings Shopping Center. Mr. Devlin believes the sewer extension project fee was included in that amount, however he understands the remaining \$70,000.00 would be a donation to the Township.

On June 24, 1996, the Township received a contractor's donation in the amount of \$17,500.00 for the Orchard Glen development, with \$5,000.00 being appropriated to the Silverdale Fire Department. Mr. Devlin believes the Board set a precedence with contractor's contributions by requesting a monetary donation to the Silverdale Fire Department. Mr. Devlin noted Silverdale's donation from the developer of Orchard Glen amounts to approximately 29% of the \$17,500.00 donation. Since the contribution for Hilltown Crossings Shopping Center was made as a contractor's donation, Mr. Devlin asked that the Hilltown Fire Company be considered to receive a portion of the remaining \$70,000.00. When Mr. Devlin originally made this request earlier this year, Chairman Bennett commented the Board agreed to consider the Hilltown Fire Company's request, however he is not aware that the donation from Hilltown Crossings has been received to date. Mr. Horrocks commented the donation has not yet been received.

Supervisor Fox advised that Mr. Devlin's statement that the Township donated any funds given by the developer of Orchard Glen to the Silverdale Fire Company is incorrect. Supervisor Fox explained Heritage Building Group made that donation directly to the Silverdale Fire Company. Further, Supervisor Fox stated he will continue to ask for contributions from every developer for whatever fire company might service the area involved. Supervisor Fox has made this request of three different developers on recent subdivision proposals and he plans to continue to do so. Mr. Devlin applauds Supervisor Fox on his efforts to obtain donations to the servicing fire companies.

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

Mr. Devlin requested release of funds from the 1996 budget to purchase Alpha Pagers which had previously been approved for purchase by the Board of Supervisors. These pagers will allow the Bucks County Emergency Management Agency to forward emergency messages directly to Mr. Devlin's pager screen. Mr. Horrocks noted there is \$1,600.00 remaining in the Emergency Management budget for this year.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize purchase of the Alpha Pagers as requested by the Emergency Management Coordinator.

I. SILVERDALE FIRE CHIEF'S REPORT - Mr. Chuck Stockert - Mr. Stockert read the Silverdale Fire Company Report for the month of September, 1996 which is on file at the Township office.

Mr. Stockert stated members of the Silverdale Fire Company will be attending a large mass casualty incident to be held this Saturday, October 19, 1996. This event, which is a mock airplane crash with 130 victims, will be held at the Pennridge Airport and is being sponsored by the Bucks County Emergency Management Agency and the Perkasio Fire Company.

Mr. Stockert congratulated firefighter Michael McGinnis of the Silverdale Fire Company, who was chosen by the Central Bucks Chamber of Commerce to receive the David and Lois Burpee Award for Outstanding Firefighter. Mr. McGinnis is a resident of Hilltown Township.

Mr. Stockert noted the Silverdale Fire Company is working towards lowering its I.S.O. (Insurance Services) rating for Hilltown Township and Silverdale Borough, which is the basis for the Township and the Borough's fire insurance rates. The Silverdale Fire Company's coverage rating of Hilltown Township is presently six, however it is Mr. Stockert's goal to lower that rating to five. This means that the residents of both Hilltown Township and Silverdale Borough who are serviced by the Silverdale Fire Company, would receive a reduced rate for fire insurance.

J. CONFIRMED APPOINTMENTS: None.

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

1. At 1:00PM this afternoon, six proposals for Bid #96-12 for the Concrete Floor were opened. Bid results are as follows:

Hoffman and Sons of Sellersville.....	\$ 12,065.00
Frank Giovannone, Inc. of Conshohocken.....	\$ 17,690.00
Net Construction, Inc. of Jenkintown.....	\$ 18,000.00
Loftus Construction, Inc. of Erial, NJ.....	\$ 20,600.00
Ettore Ventresca and Sons, Inc. of Warrington.....	\$ 22,680.00
Bud Concrete, Inc. of Runnemede, NJ.....	\$ 32,775.00

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to award Bid #96-12 to Hoffman and Sons of Sellersville in the amount of \$12,065.00.

2. One proposal was received for Bid #96-13, the joint bid for eight 1996 Chevrolet Caprice Classic sedans, which includes four vehicles for Hilltown Township, three vehicles for Plumstead Township, and one vehicle for Perkasio Borough. Warnock Motor Sales, Inc. of East Hanover, New Jersey was the lone bidder with a price of \$20,381.10 per vehicle (for the four Hilltown Township vehicles which include light bars). Mr. Horrocks explained the base price per vehicle is \$19,600.00, plus an additional \$781.10 per vehicle for the installation of light bars on the four Hilltown

Township vehicles. Mr. Horrocks noted Warnock Motor Sales has agreed to hold those vehicles until 1997, provided they receive written verification from Hilltown Township that the four vehicles will be paid for on the first working day of January, 1997.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to award Bid #96-13 to Warnock Motor Sales, Inc. of East Hanover, New Jersey, in the amount of \$20,381.10 per vehicle for four vehicles.

3. Mr. Horrocks presented four escrow releases for Board authorization, with one being cash held by the Township:

Bricks Villa, Phase II	Voucher # 03	\$ 383.45
Country Roads Phases III & IV	Voucher #04	\$ 666.23
Off-the-Wall	Voucher #2A	\$ 421.82
Ralph G. Moyer Subdivision	Voucher #2A	\$ 26.68

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

4. The 1996 Foreign Fire Insurance Distribution has been received from the State in the amount of \$64,763.53. This amount is actually \$830.31 less than the 1995 distribution. With the historical contributions the Township has made to each of the servicing fire companies in the past, Mr. Horrocks noted there have been two special requests from the Silverdale Fire Company and from the Hilltown Fire Company, to address a possible increase in Foreign Fire distribution. Hopefully, at the October 28th meeting, the Board can act on this issue since there is a 60 day time period in which to release the funds. Chairman Bennett was surprised that the amount of funding had decreased from previous years. Mr. Horrocks agreed that he does not ever recall a fund decrease. Chairman Bennett asked how the distribution per municipality is determined. Mr. Horrocks believes it is literally based on the amount of the insurance written and the population. Mr. John Snyder of Nationwide Insurance explained that the figure is arrived at by 1% of the population and from the assessed value.

5. Mr. Horrocks noted the Board had directed Mr. Wynn to review the Spray Irrigation Ordinance and also asked the Planning Commission for their comments. A memo received from the Township Engineer today identifies one section which the Planning Commission recommended for revision, along with the addition of another section. If the Board so desires, Mr. Horrocks stated a Public Hearing could be held at the October 28th meeting for possible adoption.

Motion was made by Supervisor Bennington, seconded by Supervisor

Fox, and carried unanimously to authorize advertisement of a Public Hearing for consideration and possible adoption of the revised Spray Irrigation Ordinance to be held on Monday, October 28, 1996.

6. Mr. Horrocks is seeking the Board's consideration to participate in the 1997 Bucks County Household Hazardous Waste Program. The total cost to Hilltown Township would be \$2,222.00. If the PADEP grant is approved, the cost to the Township will be half that amount. Mr. Horrocks noted the Administration Department receives approximately 20 calls per year from residents asking where they can dispose of household hazardous waste.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to approve Hilltown Township's participation in the 1997 Bucks County Household Hazardous Waste Program.

7. Quotes have been received for Public Official Liability and Professional Liability Law Enforcement insurance. There has been no change in Public Official Liability and a slight increase in price of the Law Enforcement policy. The reason for this increase is because Hilltown Township has hired two new police officers. The total cost for Public Official Liability insurance is \$9,723.00 and the cost for Law Enforcement Liability insurance is \$9,961.00.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the 1997 Public Official and Law Enforcement Liability policies through Gum Insurance.

8. Following this meeting, there are two more Fire Protection Agreements available for signatures.

9. A written request has been received from Richard B. and Tammi L. Beam of 126 Orchard Road. The property contains a detached in-law apartment which is currently being occupied by a tenant other than a family member. Upon review of the tax parcel file for this property, Mr. Horrocks found correspondence from 1989 when the realtor was informed by the Zoning Officer that this site should not be considered a duplex and that the property could not be marketed as such. The Township recently received information that this in-law apartment was being used as a duplex. Mr. and Mrs. Beam are asking for consideration to allow them to continue renting this in-law apartment to the present tenant until July 1, 1997, at which time the tenant plans to move from the site. As of July 1, 1997, Mr. and Mrs. Beam intend to incorporate the in-law apartment into their own family living space, never again to be rented as an apartment. Chairman Bennett asked if the tenant's lease terminated on July 1, 1997. Mr. Horrocks is not certain of

the circumstances involved. Mr. Horrocks noted this matter was brought to the Township's attention due to a complaint filed against Mr. and Mrs. Beam.

Supervisor Fox commented there are hundreds of people living in this Township in apartments, converted barns, or private dwellings that the municipality is not aware of. Supervisor Fox is agreeable to the July 1, 1997 move date for the tenant, however he feels the premises should be inspected on that date to insure that there are no other tenants residing in the apartment. Chairman Bennett agreed, and stated he would like to see written correspondence to the tenant from the owner advising of the circumstances.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to allow the tenant of 126 Orchard Road to remain until July 1, 1997, and to require that correspondence be sent to the tenant by the property owner advising of the July 1, 1997 deadline, and to guarantee, after inspection by the Township, that no non-family members will reside in the in-law apartment after July 1, 1997.

Ms. Kimberly McKinney, the complainant in this matter, vehemently objected to the motion made by the Board of Supervisors. Ms. McKinney and her fiance, who has owned the property next door to the site for 8 years, have made several attempts since March of this year to rectify the situation with the tenant. It has become more and more difficult to communicate with Mr. and Mrs. Beam regarding this matter. Ms. McKinney advised there are harassment problems towards her children by the tenant's children. Ms. McKinney is concerned about the safety of her children, and does not feel it is fair for her family to have to struggle with this ongoing situation for another 8 months. Ms. McKinney filed her original complaint against 126 Orchard Road in June of 1996, following a verbal altercation with the tenant. Supervisor Fox asked what type of harassment she and her family have been experiencing. Ms. McKinney stated she has experienced severe verbal harassment, particularly with regard to a vehicle her fiance sold to the tenant last year. Chairman Bennett asked if Ms. McKinney has discussed the situation with Mr. and Mrs. Beam. Ms. McKinney replied that her fiance has discussed the issue with Mr. Beam on several occasions, however she herself has not personally dealt with them.

After reviewing the documentation from 1989, it appears to Supervisor Bennington that the Zoning Officer informed the realtor that this apartment was not a duplex and should not be considered a duplex. Further, it appears that Mr. and Mrs. Beam were not aware of the fact that they could not allow a non-family member to reside on the premises. Supervisor Bennington sympathizes with Ms. McKinney, however if a lease exists between the tenant and the

Beams which was based on the predication that a non-family member can reside there, he can not, in good conscience, require the tenant to leave the site before July 1, 1997 as was agreed upon. As a taxpayer, Ms. McKinney does not feel that it is right that zoning laws can be "bent" for certain individuals. Supervisor Bennington commented the rules are not being bent. The decision was made by the Board of Supervisors based upon the fact that Mr. and Mrs. Beam believed a non-family member was permitted to reside in their apartment. Ms. McKinney stated the prior owner of the Beam property made Mr. and Mrs. Beam well aware of the fact that the apartment could not be used for non-family members.

Mr. Richard Beam, owner of 126 Orchard Road, advised that there is obviously more to this situation than a violation of a zoning issue. When he and his wife purchased the home in 1990, Mr. Beam stated a tenant, who was not a relative of the prior owner, was living in the apartment. Since Ms. McKinney has moved next door to the Beams, there has been a great deal of personal trouble between Ms. McKinney and the tenant. Mr. Beam was not aware of the stipulation that the apartment was for family members only until he received the zoning violation letter from the Township. Mr. Beam feels the tenant should be given a fair amount of notice before vacating the premises. Chairman Bennett asked if Mr. Beam has a lease arrangement with the tenant. Mr. Beam replied there is an open end lease agreement with the tenant. Supervisor Bennington suggested the deadline date be moved back to April 1, 1997, instead of July 1, 1997. Mr. Beam would be agreeable to whatever date the Board feels is best.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to rescind the date of July 1, 1997 in the original motion, and to specify a deadline date of April 1, 1997 for the tenant of 126 Orchard Road to vacate the property.

Mr. Beam agreed to forward a copy of the correspondence advising his tenant that he must vacate the premises by April 1, 1997 to the Township for their records.

10. The pension plan audit review for the period of January 1, 1994 through December 31, 1995, was received from the Auditor General's Office. Both audit reports are clean and state that any prior comments and findings have been corrected by the Township.

L. CORRESPONDENCE: None.

M. LINENS FOR SIGNATURE: None.

N. RESIDENT'S COMMENTS:

1. Mrs. Jean Bolger is pleased the Township will be participating in the Household Hazardous Waste Program next year, and suggested that possibly a coordination effort could be made so that Hilltown residents could deposit any household hazardous waste here at the Township building for transport to the site of the waste program. Mrs. Bolger suggested that possibly an Eagle Scout or a community organization would be interested in coordinating such a drop-off site. The Board will take this suggestion under advisement. Mr. Horrocks feels Mrs. Bolger's suggestion is a good one, however he is cautious about proceeding because of the fact that hazardous materials are involved. Mr. Horrocks will contact Mr. Lale Byers at Bucks County to see if this suggestion is feasible.

Mrs. Bolger asked if there are any spray irrigation systems currently in operation in Hilltown Township, and if so, whether or not there have been any complaints from neighboring property owners. Chairman Bennett replied there are presently three spray irrigation systems in operation in the Township and to date, there have been no complaints received. Supervisor Fox reminded Mrs. Bolger that the existing spray irrigation systems are located 125 ft. from property lines, not 25 ft..

With regard to the proposed lighting at the park, Mrs. Bolger felt it was imperative that the ballfield users pay the required fee within a certain time period. From what Mrs. Bolger understands, Deep Run does not pay their user fees until the end of the year, and then requests a waiver of those fees from the Board of Supervisors. If there is a fee required to use the park, Mrs. Bolger believes that fee should be paid in a timely manner. Personally, Chairman Bennett believes the user fees should be paid in advance. Mr. Horrocks noted that in 1996, all park users paid their fees within one month of their first event.

2. Instead of residents putting their newspapers out for trash collection, Ms. Rhelda Warrener suggested the Township collect and then sell newspapers, with the proceeds being given to the fire companies. Discussion took place. Chairman Bennett noted that of the recyclable materials, the only one that generates any kind of a profit is aluminum. Supervisor Fox advised some fire companies still collect newspapers themselves, however the price tends to fluctuate a great deal.

3. On Community Day, Mrs. Jean Bolger stated she received many good comments from residents about the Hilltown Historical Society, and in particular, the tour through the Musselman Barn. Many parents asked if the barn is open for tours by grade school classes. Supervisor Fox replied this matter has been discussed

with members of the Hilltown Historical Society and a representative of the school board.

4. Mr. George Egly stated he can see why some of the builders in this Township are upset. There is a building permit from Bell Atlantic for a tower to be constructed on Mr. Egly's property which has been sitting on the Building Inspectors desk. Mr. Egly had asked Mike Gardner if he could possibly have the permit completed by this afternoon because he was hoping to have the site work completed before the weather turns bad. Mr. Egly told Mr. Gardner that if the permit was not ready this afternoon, he would take his complaint to the Supervisors this evening. Mr. Egly believes Mr. Gardner purposely did not sign the building permit in defiance of his request. Mr. Egly is disgusted with Mr. Gardner's attitude and understands why builders are frustrated with the Building Inspector.

Mr. Horrocks explained Mr. Gardner has a fair amount of workload on his desk at present, however he will address the issue with him tomorrow.

O. SUPERVISOR'S COMMENTS:

1. Supervisor Bennington invited all Hilltown Township residents to attend the informational meeting regarding the land use referendum question to be held on Tuesday, October 15, 1996 at 7:30PM here at the Municipal Building.

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

Q. ADJOURNMENT: Upon motion by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously, the October 14, 1996 worksession meeting of the Hilltown Township Board of Supervisors adjourned at 9:30PM.

Respectfully submitted,

Lynda Seimes

Lynda Seimes

Township Secretary

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