

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
REGULARLY SCHEDULED WORKSESSION MEETING  
Monday, July 8, 1996  
7:30PM**

The regularly scheduled Workession meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr. at 7:40PM and opened with the Pledge of Allegiance.

Also present were: Kenneth B. Bennington, Vice-Chairman  
Jack C. Fox, Supervisor  
Bruce G. Horrocks, Township Manager  
George C. Egly, Chief of Police

A. APPROVAL OF CURRENT BILLING: Chairman Bennett presented the Bills List dated July 9, 1996, with General Fund payments in the amount of \$52,380.72, State Highway Aid payments in the amount of \$10,969.96, and Escrow Fund payments in the amount of \$137.99; for a grand total of all funds in the amount of \$63,488.67.

Chairman Bennett asked why there are four separate bills for diesel fuel, instead of one consolidated bill. Mr. Horrocks advised there are two bills for diesel fuel, with one being for diesel fuel that is picked up at Farm and Home, and one is for diesel fuel that is delivered to the 250 gallon tank at the Public Works building. Chairman Bennett questioned the bill from Niessen, Dunlap and Pritchard for auditing services in the amount of \$775.00. Mr. Horrocks believes that is a final bill for the 1995 audit.

Supervisor Fox questioned the bills from B. R. Scholl Sales and Service for three different vehicles, and asked which vehicles they were. Mr. Horrocks replied the Public Works vehicles are serviced by B.R. Scholl.

Supervisor Bennington questioned the bill from PP&L in the amount of \$1,122.50. Mr. Horrocks replied that bill was for the electricity for this municipal building. Supervisor Bennington asked why there are so many separate charges from Bell Atlantic. Mr. Horrocks explained the smaller charges are for pay phones here at this building, at the former municipal building, at the parks, and at the Scout Cabin; and the larger amount is for this building.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List dated July 9, 1996, subject to audit.

B. HILLTOWN TOWNSHIP WATER AND SEWER AUTHORITY REPORT - Mr. James Groff, Operations Manager - Mr. Groff read the Authority Report for the month of June, 1996 which is on file at the Township office.

C. DIRECTOR OF PUBLIC WORKS REPORT - Mr. Buzby was not present this evening. The Public Works Report for the period of May 27, 1996 through June 22, 1996 is on file at the Township office.

D. POLICE CHIEF'S REPORT - Chief George C. Egly - Chief Egly read the Police Report for the month of June, 1996 which is on file at the Township office.

Chief Egly has been tracking police calls to the Wal-Mart store in the Hilltown Crossings Shopping Center for the period of May 20, 1996 through June 30, 1996. During that period, the Police Department has spent 12 hours and 25 minutes on incidents at this location. There have been two vehicle fires in the parking lot as well. Discussion took place concerning the size of the shopping center and the difficulties involved with police protection for the center.

E. HILLTOWN FIRE CHIEF'S REPORT - Mr. William Devlin - Mr. Devlin read the Hilltown Fire Company report for the month of June, 1996 which is on file at the Township office.

Mr. Devlin visited the Wal-Mart store last Friday evening at 11:00PM and pulled their manual fire alarm without alerting the store manager. Mr. Devlin advised it took 9 minutes for store management to react by calling the County for dispatch. Numerous fire violations remain on the site and Mr. Devlin has spoken to the store manager several times regarding the continue violations. Mr. Horrocks has provided the store manager with a list of violations, however they have not been corrected to date. At the last meeting, Supervisor Bennington believes the Board had instructed the Building Inspector and the Township Manager to visit the site to inform management that if they continue to violate the B.O.C.A. Code, the store would be shut down. Mr. Horrocks explained the Board directed him to speak to the store manager of Wal-Mart, which he has done. The manager of Wal-Mart received copies of the B.O.C.A. Fire Prevention Code, which the Township has adopted, highlighting the items previously addressed by the Supervisors. Mr. Horrocks advised the manager of Wal-Mart that he must keep fire doors clear, that he must keep rear hydrants available and clear, and that he must address the items as highlighted in the B.O.C.A. Fire Prevention Code. At that time, Mr. Horrocks was told by Wal-Mart management that they will do the best they can. Mr. Devlin noted the Wal-Mart store has violated every one of those highlighted issues again. On the most recent inspection, there were four locations where merchandise was stacked directly up against the sprinkler heads. Also, both rolldown doors to separate the two warehouses from the main store were blocked with crates. Mr. Devlin urged the Board to consider serious measures to deter the continuation of these fire violations at the Wal-Mart store. Supervisor Bennington suggested the Township Manager and the Building Inspector conduct surprise inspections of the site, and if violations continue, the store should be shut down. Mr. Horrocks explained it is not that simple because the Building Inspector has certain obligations through the B.O.C.A. Fire

Prevention Code. The Building Inspector can, however, send Wal-Mart to District Justice Court via a certain process. It is obvious to Supervisor Bennington that Wal-Mart management will not act on these violations until stronger measures are taken against them. Mr. Devlin commented Mr. Horrocks has had numerous meetings with the management of Wal-Mart, obviously to no avail. Chairman Bennett agreed that serious steps should be taken to bring the site into compliance before a disaster occurs. The Board of Supervisors directed the Building Inspector to conduct surprise inspections of the Wal-Mart store once a week and to send them to District Justice Court with civil enforcement proceedings if violations continue.

H. EMERGENCY MANAGEMENT COORDINATOR'S REPORT - Mr. William Devlin  
- Mr. Devlin had no Emergency Management Report at this time.

At the last meeting, Mr. Horrocks tried to have the Board of Supervisors adopt a new version of the former existing fire district map, which all seven chiefs have agreed to. Mr. Horrocks asked Mr. Devlin to explain the agreement between Station 61 of the Hilltown Fire Company and the Chalfont Fire Company for coverage of that small wedge of territory in the Skunkhollow Road area. Mr. Devlin stated there is not an actual written agreement with the Chalfont Fire Company, believing that it was a verbal agreement which was in place before he became chief. Mr. John Snyder, a member of the Hilltown Fire Company, stated a small portion of Upper Stump Road where it enters Hilltown Township is serviced by the Chalfont Fire Company because they are physically closer by a certain distance. Chalfont Fire Company receives no financial assistance for this coverage area. There is also a portion of New Britain Township where the Hilltown Fire Company was physically closer, and therefore, they have provided fire coverage for that portion of New Britain Township, for which they also receive no financial assistance. Mr. Snyder noted there is no written agreement to that effect, it was merely a "gentleman's agreement" between the chiefs of both fire companies. Supervisor Bennington raised the same point that he did at the last meeting, stating he believes there should be an agreement executed between Hilltown Township and the Chalfont Fire Company for liability purposes. From a liability standpoint, Mr. Snyder noted there would not be any problem because the closest responding fire company would be fighting any fire. Supervisor Bennington insisted that there should be an agreement between the Township and the Chalfont Fire Company who will be providing fire coverage in that small section of Hilltown Township. Supervisor Fox agreed. Mr. Horrocks will draft an agreement and forward it to the Chalfont Fire Company.

Discussion took place concerning the fire coverage of an area on Rickert Road. Mr. Horrocks explained the goal of the Fire Prevention Bureau was to provide a map showing fire coverage areas

for all portions of the Township, with no white "voids" as was the case with the old map. After a revision based on Silverdale Fire Company's request that coverage areas of Rickert Road be cut to the road, Mr. Horrocks was told by the Hilltown fire chief that it was not what is currently in place on the map. Supervisor Fox feels it should be in place because that is the way the map has always been. Mr. Horrocks reminded the Board that no changes were to be made to the map, rather purpose of this review was for clarification. The map Supervisor Fox recalls from at least 4 1/2 years ago shows a boundary line running down Rickert Road. Mr. Horrocks advised the old map shows every property on the north side of Rickert Road as being serviced by the Hilltown Fire Company.

Mr. Snyder, who was involved with drafting the original fire coverage map, can provide a copy of the 1981 map. Further, Mr. Snyder noted that because of computer system limitations at the time, the County would not allow a house on one side of the road to be protected by one fire company, and a house on the opposite side of the road to be protected by a different fire company. At that time, every road was divided at an intersection; or if the area was between an intersection, both sides of that street were covered by one fire company. It was found that this alleviated a great deal of confusion for dispatching services. This scenario for fire coverage of Rickert Road was assigned to the Hilltown Fire Company in 1981 via a letter from the Board of Supervisors.

Supervisor Fox asked members of the Silverdale Fire Company their opinion. Mr. John Perritt, president of the Silverdale Fire Company, believes Mr. Devlin is correct in the statement that Rickert Road is covered by the Hilltown Fire Company. Mr. Perritt noted Silverdale covers East Creamery Road up to the corner of Rickert Road. If Mr. Perritt recalls correctly, the old map shows the Hilltown Fire Company as providing fire coverage for Rickert Road. Mr. Perritt believes the newest map before the Board reflects that coverage area as well.

I. SILVERDALE FIRE CHIEF'S REPORT - Mr. John Gillespie read the Silverdale Fire Company report for the month of June, 1996.

Chairman Bennett asked if the fire companies are still able to solicit new fire company members. Mr. Gillespie advised many interested residents approached fire company members on Community Day about joining the fire company. The real difficulty is retaining members, as well as the cost of training.

J. CONFIRMED APPOINTMENTS:

1. Mr. Ivan Keyser, 512 Upper Stump Road - Thompson Property Zoning Violation - Mr. Keyser appeared before the Board last year concerning the Thompson property on Upper Stump Road. Mr. Keyser

presented a copy of the Zoning Violation Enforcement Notice, dated May 28, 1996, which was sent to Mr. Thompson. Mr. Keyser noted Mr. Thompson has done nothing to come into compliance since this violation was issued, and asked the status of the violation. Mr. Keyser explained the weeds, which still remain on the Thompson property, are very dry at present. Mr. Keyser is very concerned about the threat of a fire, since Mr. Thompson was burning trash in that area just this evening. Mr. Horrocks visited the Thompson property today and appeared quite concerned about the sand mound, which is also totally weed infested.

Mr. Horrocks explained the Zoning Violation Notice of May 28, 1996, was rescinded on July 1, 1996 because the violation notice referenced more than one Ordinance and would not have been valid before the District Justice. Therefore, if the Board so desires, a new notice of violation could be issued to Mr. Thompson. Supervisor Bennington asked if the property is in violation of the Zoning Ordinance. Mr. Horrocks replied that it is not, however he noted the property is in violation of the Nuisance Ordinance. Supervisor Bennington feels Mr. Thompson should be cited for violating the Nuisance Ordinance.

Mr. Keyser asked if there are any regulations regarding maintenance of a sand mound. Mr. Horrocks explained there are requirements for maintenance of a sand mound, however the Bucks County Department of Health would only cite the property owner and become involved in the violation if surface water retention was a problem. Mr. Keyser and his neighbors are very concerned about the height of the weeds and the fact that it is so dry. Mr. Thompson was forced to mow the property last year and Mr. Keyser hoped that would be the case this year as well.

Supervisor Fox feels a violation of the Nuisance Ordinance is not serving the purpose for which that ordinance was adopted. The Nuisance Ordinance, in Supervisor Fox's opinion, was to regulate trash disposal which could draw vermin or cause disease. Mr. Keyser pointed out that the Nuisance Ordinance does in fact note the height of grass and weeds. If the Board is not willing to enforce the Nuisance Ordinance, Mr. Keyser feels the Ordinance should be revised. Supervisor Fox agreed, and stated he believes a resident should be required to mow fields once or twice a year. Mr. Keyser would be very happy if his neighbor would mow his field once or twice a year, however Mr. Thompson has no intention of mowing the field at all this year. Mr. Keyser noted Mr. Thompson mowed the field only once last year, and then only because the Township cited him.

Supervisor Bennington stated there is a Nuisance Ordinance in place which states that grass and weeds can not be any taller than 10 inches. Since Mr. Thompson's field is taller than 10 inches,

Supervisor Bennington feels he should be cited and forced to mow that field. If Supervisor Bennington grew his lawn taller than 10 inches, he has no doubt that he would be cited.

Mr. Horrocks advised the Nuisance Ordinance specifically states "...the accumulation of heavy undergrowth and/or vegetation which would impair the health and/or safety of the neighborhood, nor shall they permit any trees, plants, or shrubbery or any portion thereof, to grow on their property which constitutes a safety hazard to pedestrian and/or vehicular traffic." Mr. Horrocks can find no specific reference in the Nuisance Ordinance to any given height of grass or weeds. Supervisor Bennington asked who made the determination that the area of the Thompson property is no longer a lawn, that it is now a field. Supervisor Fox believes Mr. Thompson made that determination himself last year when he appeared before the Board. Chairman Bennett asked how large the area in question is. Mr. Keyser replied that section of lawn area which Mr. Thompson allows to grow is approximately 400 feet by 400 feet. Mr. Thompson does, however, mow the immediate area surrounding his dwelling. Mr. Keyser's main concern is the danger of fire and the amount of rodents that live in the field.

If the Nuisance Ordinance is followed, Supervisor Fox noted Mr. Thompson is not really in violation since the Ordinance does not specify a certain height for grass or weeds. However, Supervisor Fox strongly believes Mr. Thompson should mow his property at least once, if not twice, a year. Mr. Keyser agreed, but wondered how the Township can enforce the Ordinance. Chairman Bennett asked why Mr. Thompson is refusing to mow the field. When Mr. Thompson previously appeared before the Board, Mr. Keyser believes his intention was to make that area a "meadow." Mr. Keyser has no difficulty with the area in question remaining as a field rather than reverting back to an actual lawn, however he feels it should be mowed once or twice per year.

Chairman Bennett would like to visit the site and have time to consider the matter before rendering a decision. The Board will respond to Mr. Keyser's request at the next meeting.

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

1. Bids - Hartzell-Strassburger Home - At noon today, the Township opened five bids for repair of the northeast and northwest walls of the Hartzell-Strassburger Home. Bid results are as follows:

Masonry Preservation Group, Inc.  
Merchantville, NJ.....\$24,800.00

D & A Masonry Restoration, Inc.  
Southampton, PA.....\$24,861.00

Joseph Dugan, Inc.  
Erdenheim, PA.....\$28,873.00

Theodore H. Nickles  
Philadelphia, PA.....\$32,750;.00  
( \$8,750.00/\$24,000.00)

Schneider Restorations, Inc.  
Newtown, PA.....\$87,600.00

The Board agreed to delay awarding this bid until the July 22, 1996 Board of Supervisors meeting, pending investigation of bidder qualifications.

2. Mr. Horrocks presented linens for the Hilltown Woods Phase II Subdivision for re-dating following this meeting.

3. Mr. Horrocks presented three escrow releases for the Board's consideration, two of which are letters of credit:

Hilltown Crossings	Voucher #19	\$	278,966.50
Our Lady of the Sacred Heart	Voucher #06	\$	164.92
Schade Tract	Voucher #3A	\$	440.88

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

4. Contractually, the Township is obligated to reimburse uniformed employees at the Commonwealth rate for use of personal vehicles. Documentation has been received from the State advising the rate has increased from 30 cents per mile to 31 cents per mile.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to approve the increased mileage rate for use of personal vehicles for uniformed employees from 30 cents per mile to 31 cents per mile.

5. A request has been received from Cub Pack #189 to waive fees for their use of the Scout Cabin on July 19, 1996.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to waive the user fee for the Scout Cabin rental for Cub Pack #189.

6. At the last worksession meeting, Mr. Horrocks presented the Board with a proposal for financial computer software. Mr. Horrocks advised there is \$15,000.00 budgeted for this software in

1996. The cost of this computer software is \$3,950.00.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to approve the purchase of the financial computer software in the amount of \$3,950.00.

7. In early June, a letter was written by the Building Inspector notifying residents that their dwelling was unsafe. In essence, the building was condemned until certain items were repaired. As is the custom with the Township, correspondence is mailed via regular mail and certified mail. The certified copy of this particular letter has been returned with no signatures by the addressee. It is Mr. Horrocks recommendation to have a local constable serve this notice. Mr. Horrocks believes the cost is approximately \$75.00 - \$100.00. Chief Egly noted the Township has no constable at this time.

The Board was in agreement to authorize a constable to serve the above mentioned notice of condemnation.

8. Regarding the Open Space Referendum, Mr. Horrocks advised the Board has two choices to deal with prior to the deadline for submission. The Board must either make a decision this evening or at the July 22, 1996 Supervisor's meeting to forward the referendum question to the County. Supervisor Bennington believes a motion was made at the last meeting, by a vote of 2:0:1, to accept the referendum question as written by the Open Space Committee with the addition of the wording "passive recreation open space" to be placed on the ballot in November, after review by the Township Solicitor. The Board agreed.

L. CORRESPONDENCE: None.

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

Mr. Lupinacci presented cost estimates relating to the Community Day celebration to be held on September 14, 1996.

With regard to the Comprehensive Plan Committee that was established, the issue is at a standstill at this time because Mr. Lupinacci does not know if the survey has been mailed. Mr. Horrocks replied the survey has not yet been mailed, but will be shortly.

At the last meeting, there was discussion about the recreational aspect of the open space referendum question. Mr. Lupinacci, as a member of the Open Space Committee, advised that he had emphasized the active versus passive recreational aspect of the

referendum. Supervisor Bennington explained the Board agreed that the referendum question would be limited to passive recreation open space and easements. Mr. Lupinacci stated the Open Space Committee felt it was restrictive to limit the question to one or the other, and he believes the Committee had opted to provide only the word "recreation," which would included either type of recreation.

Mr. Lupinacci explained that quite a few organizations have presented their plans for participation in Community Day. Several companies wish to extend services and/or products for the event. One of the criteria was that if an organization agreed to provide \$500.00 worth of participation, a banner with the participating organization's names would be hung in a very visible location in the Township. The greatest cost seems to be for the fireworks display. A deposit has been made from the Civic Association to the fireworks firm, however an outstanding balance of approximately \$2,500.00 remains. In addition to that, there is the cost for the banner to advertise Community Day events and sponsors. Mr. Lupinacci is requesting that those two costs be borne by the Township. Supervisor Fox was agreeable. Supervisor Bennington was also agreeable, however he asked where the \$2,500 will come from in the budget. Mr. Horrocks stated \$2,500.00 was budgeted for this year, with a balance remaining in the amount of \$2,342.00.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to authorize financial contributions from the Township towards the Community Day celebration, as specified above.

Mr. Lupinacci presented a list of organizations who have donated funds or merchandise towards Community Day. Letters of verification will be sent.

At the last worksession meeting, discussion took place concerning the proposed 5K run and a 3 mile family bike tour. Mr. Lupinacci will meet with Chief Egly and Mr. Horrocks to resolve problems concerning the closing of roads. Discussion took place regarding the possible route for these two events.

M. RESIDENT'S COMMENTS:

1. Mrs. Jean Bolger asked if the violations cited against the Wal-Mart Store were addressed in the Occupancy Permit issued to the store. Supervisor Bennington stated the violations have occurred since the Occupancy Permit was issued.

Mrs. Bolger asked for clarification of the Burning Ordinance. Chairman Bennett explained citizens may conduct a burn on their property if it is controlled and tended, with certain stipulations, which are thoroughly outlined in the Ordinance itself.

Mrs. Bolger noted there were several volunteers present this evening, including Park and Recreation Board members and fire fighters. Mrs. Bolger thanked all the volunteers who provide a great deal of their free time to all the surrounding communities, and stated that she appreciates everything they do.

N. SUPERVISOR'S COMMENTS:

1. Supervisor Bennington reviewed the six month budget expense report and noticed that Per Capita taxes for current and prior is very, very low. Supervisor Bennington asked the normal time when Per Capita taxes are paid. Mr. Horrocks replied those payments are just beginning at present. Chairman Bennett noted payment is not due until August 31, 1996.

2. Supervisor Bennington has been receiving a great deal of phone calls from residents living adjacent to the model airplane flying field. This matter has been before the Board many, many times in the past, however no decision have ever been made. Supervisor Bennington would like to see a resolution to this problem. Chairman Bennett thought the model airplane club had agreed to limit their flying times to certain hours on weekends. Mr. Horrocks advised there is no written agreement, however there was an old verbal agreement discussed many times in the last two or three years. One of the officers of the model airplane club attended a meeting in the past, and he was more than willing to sign a written agreement. Even with that written agreement, Mr. Horrocks noted there was some discrepancy between the former verbal agreement hours and those hours as proposed in the written agreement. At the time, Mr. Horrocks believes Solicitor Grabowski felt it was more important and more powerful to draft a new, updated Noise Ordinance which would contain an automatic penalty assessment. With an agreement, the Township would literally be at the mercy of that mutual agreement and would have to go to the Court of Common Pleas to provide any enforcement proceedings from the agreement. To the best of Mr. Horrocks' knowledge, the Township has not pursued any further written agreement with the club based on the Solicitor drafting a revised Noise Ordinance. If the Board directs him to do so, Mr. Horrocks will draft a written agreement for execution by the model airplane club. Chairman Bennett feels it would be preferable to have an understanding between all parties involved. If the Township can not enforce a verbal agreement, Supervisor Bennington wondered how it can enforce a written agreement based upon Solicitor Grabowski's advice. The Board of Supervisors directed Mr. Horrocks to continue to pursue a written agreement with the model airplane club.

3. Chairman Bennett asked Mr. Devlin if he has contacted the fire chief in Harleysville, where a new Wal-Mart store has recently opened, to determine if they are experiencing similar problems.

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Mr. Devlin believes there is a fire marshall in that area, however he does not know if they have experienced any complaints against the Wal-Mart store. Discussion took place.

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

P. ADJOURNMENT: Upon motion by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to adjourn the July 8, 1996 Board of Supervisors Worksession meeting at 9:35PM.

Respectfully submitted,

*Lynda Seimes*

Lynda Seimes

Township Secretary

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