

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARY SCHEDULED MEETING
MONDAY, JANUARY 22, 2018**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman John B. McIlhinney at 7:06 PM and opened with the Pledge of Allegiance. Also in attendance were Vice-Chairman Kenneth Bennington, Supervisor James Groff, Township Manager Lorraine Leslie, Township Solicitor Stephen Harris, and Chief of Police Christopher Engelhart.

1. ANNOUNCEMENTS: Chairman McIlhinney stated there was an executive session prior to the meeting to discuss two potential litigation matters.
2. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.
3. CONSENT AGENDA:
 - a) Minutes of the January 2, 2018 BOS Meeting
 - b) Bills List - January 23, 2018
 - c) 2018 Souderton Fire Company Agreement

Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to accept and approve items a) thru c) on the Consent Agenda. There was no public comment.

4. CONFIRMED APPOINTMENT:
 - a) Matthew C. Hostrander- Speed Limit Signs on Quarry Road – Matthew Hostrander, 913 Quarry Road, read his letter dated January 22, 2018 requesting the Township to assess the applicability of speed limit signs on Quarry Road, from Minsi Trail to Route 313, since there are no speed limit signs currently there. Note: Mr. Hostrander's letter is attached to the minutes. Supervisor Bennington questioned Chief Engelhart when the last speed study was done on Quarry Road. Chief Engelhart stated a speed study was never done for the purpose of establishing a speed limit. Chairman McIlhinney stated the first step would be for the Police Department do a speed study and report the results back to the Board of Supervisors. Solicitor Harris stated the speed study will measure the speed of those vehicles traveling on the road at an 85th percentile. For example, if people are traveling at 45 MPH, 85% of the time, then 45 MPH would be the speed limit for the road. Chief Engelhart stated the current speed limit on Quarry Road is 55 MPH. Solicitor Harris stated the ordinance will be advertised for adoption, there will be action at a public meeting, and then the signs will be erected.

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5. LEGAL: Solicitor's Report:

a) Consideration of an Ordinance regulating the use of the Fairhill Road drop off area – Solicitor Harris read the draft ordinance regulating what can be dropped off at the Fairhill Road drop area consisting of trees, tree limbs, branches that have a diameter of 4” or less, and leaves if they are bagged. Grass clippings and plant materials may not be dropped off. The Fairhill Road drop off area can be used only by residents of Hilltown Township. The ordinance provides penalties in the amount of a \$100.00 fine for those who violate the ordinance. Discussion was held on the amount of the penalty. The Township will have video cameras installed at the location. Solicitor Harris stated there will be signs stating the drop off area is for Hilltown residents only, there are video cameras, and, by using the drop off area, the residents are consenting to the use of the video cameras. Because there is a limited amount of items that can be dropped off, there will be a sign stating what items can and cannot be dropped off. The Board of Supervisors agreed to increase the penalty to \$300.00.

Public Comment: Jean Bolger questioned how the Township would know if someone dropped off something that is not allowed. Chairman McIlhinney stated they would have the license plate number. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to authorize Solicitor Harris to advertise the Ordinance for the Fairhill Road drop off area with the penalty at the amount of \$300.00. There was no public comment.

b) Johnson Tract – Request to Terminate Financial Security – Solicitor Harris stated this item has been removed from the agenda.

c) Christianson/Martin ZHB – Request to discuss plan – Solicitor Harris stated this item has been removed from the agenda.

d) Adoption of Resolution #2018-012 regarding use of the Meeting Room – Solicitor Harris stated the Township has never had any regulations as to who can and cannot use the meeting room and under what circumstances. There are many municipalities that do not allow the meeting room to be used for anything other than meetings for official Township business. Hilltown Township has allowed a wide spectrum of uses beyond official Township uses. The question that has been discussed over several months has been whether or not the Township should have a set of regulations regarding use of the meeting room by the public. The resolution that is on the table has two elements: 1. It allows the room to be used by Civic Associations, such as homeowners associations provided that adequate notice is given to the Township of the date on which the

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meeting will be held, and the room is not being used for any other Township business. 2. Political parties shall not be permitted to use the Township building for meetings. The reason for that is, very frequently, people often complain that the prevailing political party is using the room for their reasons to suppress the minority party. It allows the appearance of impropriety. Solicitor Harris continued to state Larry Otter contacted him stating the resolution is being proposed to discriminate against a single party. Solicitor Harris stated the resolution would prohibit republicans, democrats, communists, greens, liberals, and whatever other parties in the world that there are from using the room so that it is only used for Civic Associations. Solicitor Harris stated he believes that the resolution is a reasonable distinction between uses for what the law calls a designated public forum and he proposes this resolution for adoption by the Board of Supervisors.

Public Comment:

1. Larry Otter - Hilltown Resident, in summary stated: the resolution discriminates against political parties, it is a content based impediment to free speech under the Federal Constitution, the Bill of Rights, and the Constitution of the Commonwealth of Pennsylvania, questioned if the resolution has to be advertised in which Solicitor Harris stated resolutions are not advertised, political speeches are at a higher plane than commercial or homeowner's associations, this is an insult to the citizens of Hilltown because they are Americans and they believe in the 1st Amendment, requested an audio version of the meeting to be preserved for future uses and will fill out a right-to-know request.

Solicitor Harris, in summary stated: the resolution does not discriminate, it is a clear line that defines what parties are and are not allowed to use the meeting room, Mr. Otter should present case law, arguments, or information to him for review and he will advise the Board, the Board will not take action on the resolution this evening and it will be place on the February 26, 2018 agenda. Larry Otter stated he agrees to provide case law to Solicitor Harris for review.

2. Cathy Vacy, 154 Dorchester Drive, in summary stated: not just free speech but also political gatherings are protected, they use the room for their HOA meetings, prejudice and exclusions should not be the way of life in Hilltown.

3. Kathy MaCaulay, S. Perkasio Road, in summary stated: she is the chairwoman for the Hilltown Area Democrat Committee, opposed to the proposed resolution that is in violation of their 1st Amendment rights, elected committee people should be able to use the Township building if they are elected officials, they need a place to meet to represent their constituents, they shall persist and resist and are not going to back down.

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Solicitor Harris responded, in summary stating: the Township has the right to say that nothing other than Township business can get conducted in the meeting room.

4. Jim Hoffman, Chandler Way, in summary stated: the Board should use some judgement and common sense, this is a taxpayer funded building, would implore the Board to think about the image that they have as leaders in this town, the Board will benefit from having a healthy, minority party with ideas and opinions, he would like them to continue to be a good solid leader and not to clamp down on democracy for the use of a public building for an activity that is a 1st Amendment right and resents it, they need equal use of the building, they followed the procedure that was in place which sets a precedent.

Supervisor Bennington responded, in summary stating: he is concerned with the Nazi party, the communist party, or the white supremacists having their meetings there, he is willing to table the resolution until Mr. Otter gets the information to the solicitor.

5. Jean Bolger, Route 152, in summary stated: the Board represents the residents, she was a committee woman there for 23 years and never had a problem with the Township, everybody has a space at the Township building, this should be a public forum that is open to the public and advertised, the Board cannot specify organizations in the resolution unless they list everything that happens in Hilltown Township, the Board needs to re-think this and take some time in doing so.

6. Craig Andrews, 601 Hartzel Way, in summary stated: running away from a potential conflict of interest is not the right thing, the right thing to do is to apply rules to all political organizations, eliminating the conflict of interest can be done by applying the criteria evenly across all political parties, they could apply the same standards across all political parties so they can continue to use the benefits of the taxes they all pay, it is a very weak excuse for this, if they really have a concern of a potential conflict of interest, make sure they apply the policies to all political parties evenly so that there is no conflict of interest.

7. Kevin Foster, 380 Ian Court, in summary stated: he is there in opposition of the resolution, political discourse is a good thing; it's a good idea to hear from both sides of the political spectrum, he noticed the form to secure the room with all of the guidelines disappeared from the website two weeks ago, he wants to understand what the policy is in pulling policies down when a resolution is still in draft mode, he asked if it is typical for a Township to pull down an old version and not give citizenry any instructions on how to complete that process, he confirmed that when any form that is updated on the website, the Township will pull down the old form and not give anyone in

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the Township communication as what to do now that the form or process or policy isn't available, he asked for specific examples of other forms that have been pulled down that follows this same process, he asked if it was typical to stop the process of a request when a form is pulled down, this whole thing smells; it's just dicey, all they are trying to do is to introduce ideas and socialize and figure out how they can make the lives of their community members better, the Supervisors should table the resolution, assess the information a little more, reach out to the community, think about it and come back.

Ms. Leslie responded, in summary stating: the forms were being re-done to correct typographical information and adding the Township seal; content was unchanged, the Township is working on a new website, if a form is not on the website, the community can call and the administration can guide them through the process, she contacted Ms. MaCaulay that a new resolution was being considered and offered two available nights for use of the meeting room, the new form will be available on the website in the morning or picked up at the Township building.

Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to table Resolution #2018-012 for the meeting room use until Mr. Otter gets the information to the Township Solicitor. There was no public comment.

6. PLANNING: None.
7. ENGINEERING: None.
8. UNFINISHED BUSINESS: None.
9. NEW BUSINESS:

a) Scott Drumbore – H&K – Requesting for extension of hours for February of the Concrete and Asphalt Plant at the Skunkhollow Quarry – Chairman McIlhinney stated H&K has requested to operate the concrete batch plant, asphalt batch plant, and the crushing plant between the hours of 6:30 pm to 6:30 am, Monday through Saturday, between February 1, 2018 and February 28, 2018, excluding holidays, for the PennDOT projects per their letter dated December 14, 2017. Motion was made by Supervisor Groff, and seconded by Chairman McIlhinney, to grant the extension of hours for the month of February for the Concrete and Asphalt Plant at the Skunkhollow Quarry per their letter dated December 14, 2017 with the exception of striking the part in the letter in regards to "and/or private customers." The motion passed 2-1-0 with Supervisor Bennington having the opposing vote. There was no public comment.

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b) Appoint Christopher Engelhart for the Open Records Officer for the Police Department – Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to appoint Christopher Engelhart as the Open Records Officer for the Police Department. There was no public comment.

c) Street Light Assessment Rates Resolution #2018-011 – Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to adopt Resolution #2018-011 for the Street Light Assessment Rates beginning with the 2018 billing. There was no public comment.

d) Calvary Church – Proposed 5K Event – Pastor Ray Kulbeda from Calvary Church, along with Donna Jacobini, requested permission for an annual proposed 5K Event. Chairman McIlhinney stated for them to contact Chief Engelhart to discuss barricades, etc. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to approve the proposed 5K event at Calvary Church. There was no public comment.

10. SUPERVISOR’S COMMENTS: Ms. Leslie introduced Gwendolyn Herman who will be working on an internship for college credits at Hilltown Township.

11. PUBLIC COMMENT: Doreen Cooper, 817 Reliance Road, stated, on Monday, the Pennsylvania Supreme Court ruled that the state’s congressional map clearly, plainly, and palpably violates the State Constitution and blocked its use in the May 2018 primaries. Ms. Cooper stated Fair Districts took a win on this one and thanked Supervisor Bennington for his support. She continued to state that she has been at the Township for some contentious meetings and urged the Board to do the right thing again. There is enough division in the country and they don’t need it in Hilltown.

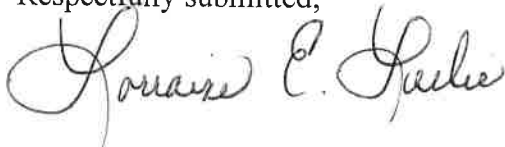
Jerry Guretse, Telford Fire Company President, stated he wasn’t aware that Ray Fegley had sent an email regarding Mountain Mulch on Old Bethlehem Pike. He stated the fire company has spent, since last March, a total of 197 man hours putting out fires in the mulch. The mulch would ignite with the temperature in the mulch pile being 700 – 800 degrees. Apparently a large pile has been moved up to Quakertown. It was noted that DEP was notified by the Zoning Officer and he will keep a close eye on the company.

12. PRESS CONFERENCE: None.

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13. ADJOURNMENT: Upon motion by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously, the January 22, 2018 Hilltown Township Board of Supervisors meeting was adjourned at 8:23 PM.

Respectfully submitted,



Lorraine E. Leslie
Township Manager

(*NOTE: These minutes were transcribed from notes and recordings and should not be considered official until approved by the Board of Supervisors at a public meeting).

January 22, 2018

Board of Supervisors
Hilltown Township
13 W. Creamery Rd.
P.O. Box 260
Hilltown, PA 18927

RE: Speed Limit Signs on Quarry Road

Dear Board of Supervisors:

This letter shall serve as my formal submittal to the Board of Supervisors of Hilltown Township to assess the applicability of speed limit signs on Quarry Road, from Minsi Trail to Route 313 (Dublin Pike). There are currently no speed limit signs.

My family and I have lived at 913 Quarry Road since September 2011 and have two children aged 7 and 4. In the six plus years since moving to our home I have noticed many cars, trucks, and motorcycles speeding on our road. I have seen the traffic increase over the years and the speed of vehicles getting higher as more people frequent the road and know that there is no posted speed.

Some of the specific reasons for increased traffic and speeding on Quarry Road could be, based on my assessment from living there for six years:

1. The bridge on Rickert Road is closed with no replacement date known. Many vehicles use Quarry Road as a connector road to Rickert Road via Forest Road.
2. There are several straight sections on Quarry Road where it is easy to get up to speeds in excess of 50 mph. One of those sections is in front of my house, as I live near Route 313.
3. Customers test drive cars from elImports4less on Quarry Road and tend to speed up on the straight section in front of my house.
4. Living Hope Church is a very busy and fruitful congregation and subsequently has increased traffic on our road.
5. Lastly, when road closures or accidents occur on surrounding roads, Quarry Road is again used as a connector road to make detours.

Now for some of the reasons to have the police department complete a speed study on Quarry Road to assess the applicability of speed limit signs, preferably between 35 and 45 mph.

1. Many of the homes on Quarry Road have been sold over the past 6 years since we moved to the community, of which a good number have children. This would also include the properties on Meadow Lane since their children can be impacted by speeding motorists.
2. There are several sharp turns on Quarry Road where speeding up to them could in turn cause accidents if motorists do not slow down in time. One specific turn is located at two large farmhouses that house many children, and can actually be defined as a blind corner due to the stone wall on the one side. I have been pushed over to the side of the road many times on that corner because of speeding motorists.

3. Quarry Road is frequented by many farm tractors and equipment from the Dyce, Moyer, Sensinger and neighboring farms. Disrespect of the slow moving equipment has happened many times in the past by speeding motorists.
4. There are other surrounding roads, be them state or local, which have posted speed limit signs. Blooming Glen Road actually is posted at 35 mph.
5. Lastly, many residents use Quarry Road to walk, run, and take their family and animals out for fresh air. Speeding cars on the road could just one time ruin it for the whole neighborhood.

I do not make this formal submittal lightly and I have passed out my letter to every resident I could contact on Quarry Road prior to this meeting. Additionally, I informed the residents of my intention to speak in front of the Board at their January 22nd meeting. I respectfully request that the Board of Supervisors instruct the police department to assess Quarry Road for speed limit signs, again preferably between 35 and 45 mph.

I thank you very much, as well as the police department, in advance for reviewing my inquiry.

Respectfully Submitted,



Matthew C. Hostrander
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