

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED WORKSESSION MEETING
Monday, December 13, 2004
7:30PM**

The regularly scheduled worksession meeting of the Hilltown Township Board of Supervisors was called to order by Chairperson Kenneth B. Bennington at 7:30PM and opened with the Pledge of Allegiance.

Also present were: George C. Egly, Jr., Vice-Chairperson
Richard J. Manfredi, Supervisor
Thomas A. Buzby, Director of Public Works
Christopher Engelhart, Chief of Police
Daniel Jenkins, Fire Marshal
Lorraine E. Leslie, Township Treasurer

Chairperson Bennington announced the Board met in Executive Session prior to this meeting in order to discuss personnel and real estate.

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

B. COMMENDATION PRESENTATIONS: On behalf of the Board of Supervisors, Chairperson Bennington presented a Commendation to Mr. Robert Wendig, Jr. for his fifteen years of service as one of the founding members of the Hilltown Township Park and Recreation Board. Mr. Wendig thanked the Board for this Commendation, and advised that it has been a pleasure and an honor to serve on the Park and Recreation Board. Over the years, Mr. Wendig noted that the Park and Recreation Board was instrumental in developing the Civic Park and the Blooming Glen Playground, and is currently involved in the planning for the future Forest Road Park. The Park and Recreation Board also acted as sponsors for a number of activities including yearly Theater Camp, the Easter Egg Hunt, and most recently the Hilltown Halloween Fest in conjunction with the Pearl S. Buck Foundation.

On behalf of the Board of Supervisors, Chairperson Bennington presented a Commendation to Mr. Kerry Gingrich for his three years of service on the Hilltown Township Open Space Committee. Chairperson Bennington also thanked Mr. Gingrich for his volunteer service. Mr. Gingrich was pleased to have served on the Open Space Committee, and commented that his biggest regret was that there was not more open space land purchased by the Township. He hopes that the Open Space Committee's efforts will continue and that they can educate the Hilltown landowners as to what benefits are available with regard to open space.

C. APPROVAL OF MINUTES – Action on the minutes of the November 8, 2004 Worksession Meeting – Motion was made by Supervisor Egly, seconded by Supervisor

Manfredi, and carried unanimously to approve the minutes of the November 8, 2004 Supervisor's Worksession Meeting as written. There was no public comment.

Action on the minutes of the Supervisors Budget Worksession meeting of November 11, 2004 – Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to approve the minutes of the Supervisor's Budget Worksession meeting of November 11, 2004, as written. There was no public comment.

D. APPROVAL OF CURRENT BILLING: Chairperson Bennington presented the Bills List dated December 14, 2004, with General Fund payments in the amount of \$185,043.05, Fire Fund payments in the amount of \$5.67, Debt Service payments in the amount of \$11.35, and State Highway Aid Fund payments in the amount of \$24,984.20; for a grand total of all payments in the amount of \$210,044.27.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to approve the Bills List dated December 14, 2004, as written. There was no public comment.

E. TREASURER'S REPORT – Chairperson Bennington presented the Treasurer's Report with the following balances as of November 30, 2004:

| | |
|----------------------------|----------------|
| General Fund Checking | \$ 199,210.41 |
| Payroll Checking | \$ 447.26 |
| General Reserve Fund | \$ 315,615.84 |
| Open Space Fund | \$ 494,307.08 |
| Fire Fund Checking | \$ 72,703.81 |
| Debt Service Checking | \$ 205,764.26 |
| State Highway Aid Checking | \$ 111,465.50 |
| Escrow Fund Checking | \$1,501,939.35 |
| Capital Projects Fund | \$ 42,989.99 |

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to approve the Treasurer's Report as of November 30, 2004, subject to audit. There was no public comment.

F. PUBLIC WORKS REPORT – Mr. Thomas A. Buzby, Director of Public Works – Mr. Buzby read the Public Works Report for the month of November 2004; a copy of which is on file at the Township office.

Chairperson Bennington noted that there has been pipe on Mr. Gottschling's property for quite some time, and wondered when PennDot will be installing it. Mr. Buzby did not know, and commented that there is also an open-grate "u" channel box, which is the only

thing that might solve that problem. The Board directed Mr. Buzby to contact Ms. Knisley of PennDot to determine when the pipe will be installed.

Supervisor Manfredi asked what piece of equipment is used to clean ditches. Mr. Buzby replied that the front-end loader is being used right now, and the Public Works Department is hoping to clean out as many ditches as possible prior to the onset of difficult weather. Discussion took place.

Public Comment:

1. Mrs. Marilyn Teed of Mill Road asked who is supplying that pipe and trench drain for the Long Lane Farm. Mr. Buzby is not sure if the property owner purchased the materials or if PennDot did.

G. POLICE REPORT – Mr. Christopher Engelhart, Chief of Police - Chief Engelhart read the Police Report for the month of November 2004; a copy of which is on file at the Township office.

Discussion took place concerning the plans for the Police Department to conduct additional speed details. Chairperson Bennington asked if overtime would drop on speed details if radar were to be available for the Department's use. Chief Engelhart replied that radar would help more for specific areas where Vascar cannot be used as easily. Discussion also took place regarding planned roving DUI patrols over the Christmas and New Year's holidays, which is funded through a grant by the State. Chief Engelhart advised that the speed board is not functioning, and a member of the Public Works Department is attempting to repair it at this time.

On December 6, 2004, Dalton James the subject who struck Officer Kane was sentenced to 2 ½ to 5 years in State prison, and then 5 years probation and some community service after that time.

H. FIRE MARSHAL REPORT – Mr. Daniel Jenkins, Fire Marshal – Mr. Jenkins read the Fire Marshal Report for the month of November 2004; a copy of which is on file at the Township office. Mr. Jenkins and Mr. Taylor, the Code Enforcement Officer, are currently working to establish some programs to help streamline and make the department a bit more efficient. As Mr. Jenkins begins to shape the fire prevention and inspection program for the Township, Supervisor Manfredi suggested that he provide the Board and the general public with an executive summary and perhaps a brief demonstration of what is planned at a future Worksession meeting.

Supervisor Egly noted that the fire alarms for the Municipal Building are presently out of service. Mr. Jenkins explained that during a recent safety inspection of this and other

Township-owned buildings, it was determined that the fire alarm system in this building is not functioning. A service technician has since inspected the site verifying that the alarm system is of a rather old technology that they are unable to repair, however quotes are currently being obtained to replace the system. Discussion took place.

I. WATER AND SEWER AUTHORITY REPORT – Mr. James C. Groff, Authority Manager – Mr. Groff read the Hilltown Authority Report for the month of November 2004; a copy of which is on file at the Township office.

The Hilltown Authority Board expressed their thanks for the Supervisors for approving a waiver of Land Development for construction of their new meeting room.

Mr. Groff received an email from the Bucks County Planning Commission asking each water supplier to recommend two representatives to be part of a steering committee to help with outlining the goals of the Source Water Protection Plan for the PACC Water Study. Mr. Groff and Mr. Lippincott were recommended to serve on the Steering Committee, with the first meeting to be held in January of 2005.

J. ZONING HEARING BOARD REPORT – Mr. John Snyder, Chairperson -- Mr. Snyder presented the Zoning Hearing Board Report for the month of November 2004; a copy of which is on file at the Township office.

K. HILLTOWN FIRE COMPANY REPORT – No one was present.

L. SILVERDALE FIRE COMPANY REPORT – Mr. John Gillespie, Fire Chief – Mr. Gillespie read the Silverdale Fire Company Report for the month of November 2004; a copy of which is on file at the Township office.

M. PLANNING COMMISSION REPORT – Mr. D. Brooke Rush, Chairperson – Mr. Rush read the minutes of the Planning Commission worksession meeting of December 6, 2004; a copy of which is on file at the Township office. Mrs. Lynn Bush of the Bucks County Planning Commission offered direction with respect to waiver requests from applicants. She believes that the Commission should not act on the waiver requests until the final plan is before them for review and recommendation for approval. Discussion took place.

Supervisor Manfredi advised that PADEP is in the process of finalizing a stormwater manual, which includes soil classifications and what types of systems will or will not work. He believes the Planning Commission should also review and take into consideration DEP's stormwater manual recommendations, particularly with respect to infiltration. A lengthy discussion took place.

N. PARK AND RECREATION BOARD REPORT – No one was present.

O. OPEN SPACE COMMITTEE REPORT – No one was present.

P. CONFIRMED APPOINTMENTS:

1. Mr. Chris Canavan – Cinnabar Farms Sewer Discussion – Mr. Chris Canavan of WB Homes, and the applicant's engineer, Mr. Scott Guidos, were in attendance to present the request for consideration of serving the Estates at Cinnabar Farms Subdivision with public sewer service. Mr. Canavan advised that the applicant proceeded with this project under the assumption that on-site systems would be proposed. A majority of this property is located within the Rural Residential Zoning District in Hilltown Township, with six acres located in the Agricultural Preservation Zoning District in East Rockhill Township. The site has received preliminary plan approval. East Rockhill Township had made a request of the applicant and Hilltown Township to consider the idea of allowing public sewer to serve this site, via a connection down White Road (which is the end of Midway Road) down to Branch Road, where East Rockhill's sewer line is presently located. East Rockhill Township expressed concern with respect to health, safety, and welfare in regard to the installation of 23 on-site systems, particularly due to the close proximity to the existing public sewer line, as well as its proximity to the watershed of the Branch Creek. Mr. Canavan noted that between the site and the Branch Creek, there are only approximately three or four properties located along White Road in E. Rockhill. Mr. Canavan approached the HTWSA, who stated that if the Board of Supervisors made a policy decision to approve this request, they could handle the customer base since public water is proposed for the site.

Mr. Canavan explained that a watershed evaluation was done to determine how many properties might be impacted by the extension of public water and sewer. He noted that two watersheds run through the site. Drainage Area "A" takes its water from two properties – the property located at the corner of Blooming Glen, Blue School, and Midway Roads owned by Mr. and Mrs. Heron, and the Cinnabar Farms site. The other watershed is Drainage Area "B" which includes a majority of the Cinnabar Farms site, along with a 20 acre tract located just to the north, and a couple of lots that have been subdivided along Blue School Road. Between these two watershed sites, Mr. Canavan noted that there is one adjacent property that drains one way, and approximately seven adjacent properties that drain in that direction as well. Mr. Canavan has considered what other properties could also drain in that direction if public sewers were extended to the site, and advised that the amount would be very limited. He assured the Board that this is not something that would open a huge area to eventual public sewer, however it is not an area that would drain naturally in that direction.

Mr. Canavan felt it important to note that while the developer is requesting public sewer to serve the site, they are not requesting any change in zoning or anything else that might require zoning relief. The lots would still be 50,000 sq. ft. and would meet all the minimum setbacks as required by Hilltown Township. East Rockhill Township, an adjoining municipality, has made a request based on their environmental concerns, and W. B. Homes is simply bringing it forward for Hilltown's consideration. If public sewer were permitted, Mr. Canavan stated it would eliminate 23 on-site systems that Hilltown Township would have to manage for the unforeseeable future without operation and maintenance agreements. Further, a six-acre tract of open space/recreation land would then be created in East Rockhill Township, which would also contain the stormwater basins. Mr. Canavan presented a redesigned plan showing a small playfield and the basins located on the parcels in East Rockhill. The applicant would still propose the original lot yield of 22 new lots, plus the three-acre tract that will preserve the existing farmhouse on the site. With the extension of public sewer, however, there would be a 6-acre tract of open space, which even though located in and maintained by East Rockhill, would be accessible to Hilltown residents. This would also address the problem of lots in the same subdivision being located in two different municipalities, thereby avoiding any confusion that may result from emergency services responding to the development.

The applicant has completed an analysis of the cost to run public sewers from the site to the existing sewer line in East Rockhill, versus the cost of on-site systems. Mr. Canavan advised that the cost to run public sewer is slightly greater, however he believes that lots with public water and sewer would be more valuable than lots with on-site systems and public water. The applicant is willing to share in that benefit by offering the Township a voluntary per-lot contribution in the amount of \$6,000.00 per lot to permit the public sewer extension. That contribution would include the six acres of shared open space and all the other recreation fees as required by Ordinance, plus the improvements the developer had previously committed to during the preliminary plan approval. Discussion took place.

Supervisor Manfredi asked if there is any documented impact on the environment with respect to what East Rockhill Township has reported. Mr. Canavan has nothing specific, however he is aware of anecdotal evidence that long-term on-site systems can and do fail if they are not properly managed, and that it could have a potential long-term detrimental effect. It is Supervisor Manfredi's understanding that the East Rockhill Board of Supervisors was concerned about the integrity of the watershed they are trying to protect, and are concerned that there will be a negative environmental impact on the health, safety, and welfare of the neighboring properties as well as that watershed if on-site systems are installed. Personally, Supervisor Manfredi is philosophically opposed to incrementally extending public water and sewer, and feels if it is done at all, it should be done comprehensively and substantively. Further, Supervisor Manfredi commented that this request also proposes granting the ability for another Municipal Authority to serve

Hilltown residents, which precludes Hilltown from controlling the sewer rates that are set.

Discussion took place as to the mechanism for which East Rockhill would serve the site. Mr. Canavan explained that the Hilltown Authority would, in effect, become a bulk customer of the East Rockhill Authority. In reality, these property owners would actually be customers of HTWSA, who would just happen to have their sewage treated at the East Rockhill treatment facility via an intermunicipal agreement and contract that would state specifically agreed upon rates. Mr. Canavan would also anticipate that this site would become a special service district, which would then allow these residents to be billed differently than other residents due to special circumstances. Discussion took place.

Mr. James Groff of the Hilltown Authority concurred with Mr. Canavan's statements in that HTWSA would become a bulk customer of East Rockhill, and would set the rates for such. He explained that HTWSA did the same with the North Penn Water Authority with respect to servicing the Berry Brow Subdivision with public water. Mr. Groff reminded the Board that HTWSA and the Supervisors have always been concerned with controlling their own destiny and they would not be giving up this site. Mr. Groff agreed with Mr. Canavan's statements with regard to how the site flows, and does not see that area getting any larger. Mr. Canavan stated that while sometimes an Act 537 Plan amendment would affect long-term planning because of the capacity issues, this situation would be unique in that no sewer capacity would be used that HTWSA had designated for current or future residents within the growth district, since East Rockhill would be utilizing their capacity. Supervisor Manfredi's concern is with taking districts that were not planned for growth into the growth district. Discussion took place. Supervisor Manfredi requested an environmental impact statement to the potential for health, safety, and welfare issues if public sewer is not there.

To be clear, Chairperson Bennington reflected Mr. Canavan's contention that the sewer to serve the Cinnabar Farms parcel would come from East Rockhill and would cross through no other Hilltown properties before accessing the site. Mr. Canavan agreed, noting that a loop line would be run right down the hill. Further, East Rockhill would become responsible for the maintenance of the shared open space and stormwater basins. He also noted that this scenario would take away the need for a homeowner's association for the development by putting the basin maintenance into the municipal hands of East Rockhill Township.

Chairperson Bennington suggested that Mr. Canavan obtain some type of statement from East Rockhill Township and then appear before the Hilltown Supervisors at their December 27th meeting, when Mr. Wynn would be present to review and comment as well. Mr. Canavan agreed to provide an impact study statement, as well as a statement

from East Rockhill with their intentions with respect to the open space and addressing the other concerns as expressed by the Hilltown Township Supervisors this evening.

Public Comment:

1. Mr. Kerry Gingrich shared Mr. Manfredi's fears that the extension of public sewer could "leapfrog" into the whole area of the Cinnabar Farms Subdivision, where there are still several large parcels that remain undeveloped at this time.

2. Mrs. Jean Bolger of Rt. 152 asked what size properties surround the Cinnabar site. Mr. Canavan replied that the site is surrounded by a 20-acre tract, a 60-acre tract, several 1 ½-2 acre lots along Blue School Road, an 11 acre horse farm with a flag lot access, and another parcel containing approximately 10 to 15 acres in Hilltown, with the remaining approximately 70 acres in East Rockhill Township. He noted that a good portion of this tract is located in the Perkiomen Creek Watershed.

Mrs. Bolger believes that extending public sewer into the RR is an open invitation to developers, and if approved, would be opening a "Pandora's Box" to additional development. Chairperson Bennington reminded Mrs. Bolger that theoretically, a package treatment plant could be constructed on one of those large adjacent properties to serve development of that lot. Mrs. Bolger commented that W. B. homes previously received preliminary plan approval for on-lot septic systems. She has had an on-site system for 28 years with no problems. In the past, a site either perked or it did not, without alternative systems to consider. Mr. Canavan advised that most of those adjacent parcels have a very close proximity to an existing East Rockhill Township sewer line, and therefore, he does not believe this extension to serve the Cinnabar Farms site would drive development since those areas have had public sewer availability for quite some time. Mrs. Bolger sees a pattern and believes that all three Hilltown Supervisors are leaning toward extending public sewer into the RR, which she vehemently opposes.

Supervisor Manfredi has stated, time and time again, that he is not in favor of incrementally amending the Act 537 Plan, nor does he support running public water and sewer throughout the RR District on an incremental basis. He stated that the Township must either look at water and wastewater treatment in a comprehensive, substantive way, or not at all. Supervisor Manfredi commented that property owners have the right to submit applications for development, and unless there is some compelling reasons of health, safety, and welfare of the community, which is the basis of the decisions made by the Board of Supervisors, those requests must be considered. A lengthy discussion took place.

3. Mrs. Alice Kachline of 529 Mill Road believes that Chairperson Bennington, at a previous meeting, stated that he did not want his legacy to be a failure of on-site systems,

indicating that he was in favor of extending public sewer into the RR. Chairperson Bennington disagreed, and stated that he does not want future residents complaining that the Supervisors in 2004 allowed something to happen that adversely affected Hilltown Township or surrounding municipalities. He commented that the Supervisors are charged with looking at all aspects of sewage, whatever that may be, of which AB systems are another aspect.

4. Mr. Brooke Rush of 732 E. Creamery Road believes that people are missing the fact that the greatest change to this type of discussion occurred within the past year with the approval by PADEP of new sewage system options. At one time, Mr. Rush noted that there was a requirement of 20" to achieve a modeling effect, yet now that requirement has been decreased to 10", which means that many parcels that could not previously be built upon, can do so now. He believes that drives the spread of development. Mr. Rush stated that it becomes more difficult to foresee how these alternative systems will work. Basically, he believes these new approved systems will require higher maintenance. While the newer systems appear to work very well on paper, Mr. Rush advised that they will require greater active participation of the property owner to operate efficiently. He feels the main concern is whether residents will be proactively maintaining their systems, and if they don't, the ramifications that could be involved if those systems would have to be replaced in the future at a greater expense to Hilltown residents.

5. Mr. Bob Wendig of Bypass Road stated that his main concern would be a contract between the Hilltown Authority and East Rockhill to serve this development with public sewer, because in the future that contract would have to be renegotiated, and he would like to insure that it would be renegotiated on favorable terms for this small amount of homeowners. If it were not, the HTWSA would then be obligated to run a sewer line in the future to serve this development. This is something Hilltown Township could retain control over, which Mr. Wendig believes would be less control than they would have over individual on-lot systems. Supervisor Egly stated that Hilltown Township has no control over the North Penn Water Authority at the present time. Mr. Wendig replied that this is precisely why the Supervisors should not make the same mistake. As we all know, Boards of Supervisors change, as do Authority Boards and priorities. If the intent is to control Hilltown's destiny, Mr. Wendig believes this development should be constructed with on-lot systems, the way it was submitted and approved.

The issue was tabled until the December 27, 2004 Hilltown Township Board of Supervisors meeting.

Q. MANAGER'S REPORT –

1. Mrs. Alice Kachline has requested that the Township write a letter to the Board of Elections stating that they do not oppose moving the Blooming Glen I Voting District from this municipal building to another location actually located within the village of Blooming Glen. She explained that due to the overcrowding at this site with 1,423 registered voters in the Blooming Glen I District, and 2,611 registered voters in the Blooming Glen II District, the election process would be better served by moving the Blooming Glen I District to the Pennridge Full Gospel Tabernacle Church, who has graciously offered the use of their church free of charge. The Committee people of the Blooming Glen I Voting District have forwarded their recommendation to move the polling place, and are seeking the support of the Board of Supervisors to do so as well. Chairperson Bennington asked if the church would be able to accommodate this change for the next primary election, and Mrs. Kachline replied that they would, if this request is made to the Board of Elections and then to the Bucks County Commissioners in a timely manner. The Board agreed to give this issue due consideration.

2. Seven residents have expressed interest in serving on a Review Panel if that is the direction the Board wishes to proceed with regard to the previously discussed ATV/Dirt Bike Ordinance. A listing of those interested individuals was forwarded to the Board for review.

3. The updated Hilltown Township Emergency Management Plan was provided to the Board for review. Discussion took place.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to **adopt Resolution #2004-45, accepting the Hilltown Township Emergency Management Plan and authorizing the execution of the corresponding Promulgation for same.** There was no public comment.

4. The Tax Collection Contracts authorizing the collection of Earned Income Tax and Open Space Tax by Berkheimer Associations were presented to the Board for consideration. Until the Supervisors obtain the additional information they had requested from Berkheimer, Supervisor Manfredi was unwilling to execute those documents at this time. Supervisor Egly and Chairperson Bennington agreed. No action taken at this time.

5. Mr. Dan Preston of the North Penn Water Authority has advised that NPWA will be re-painting their water tank located on the Rt. 309 bypass next spring, and asked if the Supervisors would be interested in them painting it with "Welcome to Hilltown Township." The Supervisors felt this was an excellent idea, however Supervisor Manfredi would like the Board to have the opportunity to review a rendering prior to the tank being painted.

Motion was made by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously to authorize the Township Manager to meet with Mr. Preston of NPWA to discuss and determine a design to be painted on the water tank located along the Rt. 309 bypass, for review and approval by the Hilltown Township Board of Supervisors prior to completion. There was no public comment.

R. CORRESPONDENCE –

1. Correspondence was received from PennDot regarding the 55 mph speed limit on Swamp Road between Dublin Borough, the Bedminster/Hilltown Township line, and Upper Stump Road. An evaluation of the traffic conditions on this section of Swamp Road has been made. There is an existing 45 mph speed limit for approximately 3 ¼ miles on the east side of the 55 mph zone and a 35 mph speed limit zone on the west side of Dublin Borough. The 55 mph zone is slightly less than a mile long, and therefore, based on the engineering judgment, PennDot will be reducing the speed limit to 45 mph, which will establish a consistent speed zone. PennDot will be installing the approved speed limit signs in the near future.

2. The PA Route 313/663 Corridor Meeting Summary of November 30, 2004 was made available to the Supervisors for review at the Township office.

3. Correspondence was received from the Bucks County Planning Commission regarding the Indian Valley Regional Comprehensive Plan, a copy of which is included in the Board's packets for review, since there are some minor impacts on Hilltown Township with respect to a potential connection to our open space network.

S. MYLARS FOR SIGNATURE: Traynor Lot Line Adjustment

T. PUBLIC COMMENT:

1. Mrs. Marilyn Teed of Mill Road does not recall the Traynor Lot Line Adjustment plan receiving final plan approval. Chairperson Bennington advised that this plan was reviewed at a public meeting, as are all subdivision/land development plans. In fact, he recalls that Mr. and Mrs. Traynor were in attendance when the plan received final approval.

Mrs. Teed advised that one walkway light in front of this building is not working, and it also appears that the growth of the shrubs along the sidewalk are impairing the light from showing through in other areas. She suggested that the defective light be repaired and the shrubs be trimmed.

Mrs. Teed has reviewed a copy of the proposed 2005 Draft Budget and questioned the \$160,000.00 in the Park and Recreation Fund category. It does not appear to her that the Park and Recreation fees in-lieu-of recreational land/facilities is being disbursed to the Park and Recreation Fund. Supervisor Manfredi explained that the fees in-lieu-of recreational land/facilities is basically for construction of new parks. There is also a new tax that is earmarked as a "trust fund" for operation and maintenance of parks. He noted that Mrs. Teed may recall from the November 27th Budget worksession meeting that a great deal of that money came from the General Fund and was lumped into the Public Works Budget, and was not accounted for separately. The Board then decided that if new taxes were to be implemented, those funds would be "trust funded" so to speak, so that residents would know exactly what they are paying for. Mrs. Teed asked if the Park and Recreation fees in-lieu-of are shown elsewhere in the Budget. Mrs. Leslie, Township Treasurer, agreed that those fees are separately held in the Escrow Account. Supervisor Manfredi advised that those fees are separate and noted that there is now another degree of separation. There is the separate fund that previously existed for Escrows, and now there will be a separate fund for the operation and maintenance of parks. Mrs. Teed was under the impression that escrows are a temporary situation. Mrs. Leslie replied that an escrow, in terms of developers, is temporary, however in this instance, it is not. This fund is a permanent holding place for the fees in-lieu-of recreational land/facilities. Supervisor Manfredi commented that the way in which the Township reports its accounting will be changing due to the advent of GASB 34, the standards for government accounting, in the year 2005. This will require a different method of reporting and showing this information so that it will be clearer. Discussion took place. Supervisor Manfredi asked Mrs. Leslie to explain the Township's due-to, due-from accounting to Mrs. Teed with respect to expenditure of funds for construction of parks, following the meeting.

2. Mrs. Mary Brennan of the Village of Dorchester Subdivision asked the status of the fire sprinkler rate issue that has been discussed in the past. Supervisor Manfredi advised that the Township gave Telford Borough Authority a time frame to report what they intend to do with respect to the rates they are charging the residents of the Village of Dorchester for fire sprinklers, however TBA has not responded. Supervisor Manfredi noted that the legal opinion from the Township Solicitor is that there is nothing Hilltown Township can do, however he personally does not believe or agree with that. If the Township Solicitor does not want to do anything about the matter, Mrs. Brennan suggested that another attorney be contracted who would be more willing to address it. In Supervisor Manfredi's opinion, Hilltown Township is getting absolutely no cooperation from Telford Borough Authority with respect to the request to reconsider the rates they have set for fire protection service, and he is troubled by the fact that TBA was granted the authority to serve the residents of Hilltown, but once given that authority, it appears that Hilltown has absolutely no recourse to assist the residents put in their care. Supervisor Manfredi believes the Township should take whatever legal action is

necessary to compel TBA to reconsider their rates, and to determine who it is that can regulate those rates, whether it is the PUC or some other agency. He noted that it is unconscionable that TBA is not held accountable for their actions. Chairperson Bennington feels that TBA should be forced to discuss alternatives or compromises, and Supervisor Egly agreed.

Mrs. Brennan wondered why this issue wasn't settled prior to turning the development over to Telford Borough Authority. Chairperson Bennington explained that the Village of Dorchester is located within the service district that was established many, many years ago. Mrs. Brennan commented that this Board, during the plan approval process, made it mandatory for fire sprinklers to be installed in their homes. Now, she and other residents of that development are being charged an additional \$106.00 every six months for this service. Supervisor Manfredi explained that to set their fire protection rates, TBA studied four municipalities, one being the City of Chester, one being the City of Bethlehem, and then two municipalities located in Bucks County. It was determined that the two Bucks County municipalities do not charge a fee, however the City of Chester and the City of Bethlehem's fees were used in determining TBA's rates, which Supervisor Manfredi feels is ridiculous. He noted that each time he or Mr. Lippincott spoke with or met with representatives of TBA, they were unwilling to compromise, and apparently feel their rates are so low in every other aspect, that the fire suppression rate is justified. This is unacceptable to Supervisor Manfredi, and he believes the Board of Supervisors should take whatever action is necessary, even if it means engaging special legal counsel to do so.

A TBA representative, Tim Hagey, had told Mrs. Brennan that one of the reasons they charge so much is because they may have to replace the meters in 15 years. Therefore, Mrs. Brennan commented that TBA is collecting over \$17,000.00 per year for meters that may or may not have to be replaced in 15 years. Another TBA representative told Mrs. Brennan that she should have moved into the Village of Dorchester if she did not agree with the fees that were being charged. Mrs. Brennan believes this is price gouging and noted that the TBA staff is very rude and has lied to many individuals. She encouraged the Board to take whatever action is necessary to get a favorable response for the Village of Dorchester residents. Mrs. Brennan discovered that the North Penn Water Authority charges \$18.00 every six months for fire suppression, and the Hilltown Authority, in her opinion, overcharges at a rate of \$36.00 every six months.

Motion was made by Supervisor Manfredi to take whatever legal action is necessary to compel a change in the fire suppression rates set by the Telford Borough Authority for any Hilltown resident; and if the Supervisors find that there is no legal recourse available, Hilltown Township should draft a Resolution for consideration by the Bucks County Association of Township Officials to be forwarded to the Pennsylvania State Association

of Township Supervisors to seek a change in the Pennsylvania Municipal Authority Act or other related law to disallow any Authority granted a service area from another municipality from charging rates that are not fair or controlled by the home municipality.

If it is determined that there is no legal remedy to this issue, Chairperson Bennington noted that the second step of Supervisor Manfredi's motion would be a moot point. Supervisor Manfredi replied that Hilltown Township should then take Telford Borough Authority to court, or if that is not an option, then the Supervisors must begin working on changing this law. Chairperson Bennington advised Mrs. Brennan that this would not be a quick process, but the Supervisors would remain active in seeking a resolution.

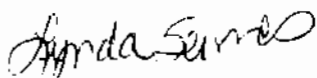
The original motion was seconded by Supervisor Egly, and carried unanimously. There was no public comment.

U. SUPERVISOR'S COMMENTS: None.

V. PRESS CONFERENCE: No members of the press were in attendance.

W. ADJOURNMENT: Upon motion by Supervisor Egly, seconded by Supervisor Manfredi, and carried unanimously, the December 13, 2004 Hilltown Township Board of Supervisors was adjourned at 9:22PM.

Respectfully submitted,



Lynda Seimes
Township Secretary

(*These minutes were transcribed from tape recordings taken by Mrs. Lorraine E. Leslie, Township Treasurer).