

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED WORK SESSION
Monday, December 8, 2003
7:30 PM**

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

The following were also present:

John S. Bender, Vice-Chairman
George C. Egly, Jr., Supervisor
Gregory J. Lippincott, Township Manager
Francis X. Grabowski, Township Solicitor
Christopher Engelhart, Chief of Police
Lorraine E. Leslie, Township Treasurer

Mr. Bennington announced that the Board of Supervisors met in Executive Session prior to this meeting in order to discuss personnel matters and legal issues with respect to the stormwater management ordinance challenge, the BFI zoning change, the CVS zoning change, Haines & Kibblehouse, the Teed federal lawsuit and Campbell.

Public Comment On Agenda Items Only: None

Approval of Bill's List dated December 9, 2003: Mr. Bennington presented the bills dated November 12, 2003 to December 5, 2003 with a due date of December 9, 2003 as follows:

General Fund	\$166,935.98
Fire Fund	18.75
Debt Service Fund	37.50
State Highway Aid Fund	161.97
 Total All Funds	 \$167,154.20

On motion of Mr. Egly, seconded by Mr. Bender, the Board of Supervisors approved the bills list dated November 12, 2003 to December 5, 2003 in the total amount \$167,154.20, subject to audit, as submitted. This motion passed by a vote of 3 to 0. There was no public comment.

Treasurer's Report: Mr. Bennington presented the Treasurer's Report with the following balances as of November 30, 2003:

General Fund Checking	\$ 93,013.89
Payroll checking	179.63

General Reserve Fund	4,597.60
Open Space Fund	499,566.28
Fire Fund Checking	68,436.34
Debt Service Checking	180,102.04
State Highway Aid Checking	66,635.34
Escrow Fund Checking	1,006,179.09
Capital Projects Fund	240,515.48

On motion of Mr. Egly, seconded by Mr. Bender, the Board of Supervisors approved the bills list dated November 30, 2003, subject to audit, as submitted. This motion passed by a vote of 3 to 0. There was no public comment.

Director of Public Works Report: The Director of Public Works was absent.

Police Chief's Report. Christopher Engelhart presented the police department report. He reported that the Police Department in the month of November made 63 criminal arrests, 217 motor vehicle arrests and gave 21 motor vehicle written warnings. There were 10 reportable accidents, 5 of them had injuries and 36 non reportable accidents. Further he explained that there was a fatality, a 24 year old female, a Hilltown resident, and the incident is still under investigation.

At the request of Mr. Bennington, Mr. Engelhart reviewed the traffic study involving Broad Street and said that some motorists were traveling in the range of 70 mph and there was significant speeding of 10 to 15 mph over the speed limit. He said that the highest recorded truck speed was 56 mph.

Building Inspector's Report: No report.

Water and Sewer Authority Report: Jim Groff read the Water and Sewer Authority report for the month of November, 2003 a copy of which is on file at the Township office.

Hilltown Fire Chief's Report. Mike McGinnis read the Hilltown Township Fire Chief's Report for the month of November, 2003 a copy of which is on file at the Township office.

Silverdale Fire Chief's Report: Mr. John Gillespie, Fire Chief of the Silverdale Fire Company, read the Silverdale Fire Chief's Report for the month of November, 2003, a copy of which is on file at the Township's office.

Planning Commission Report: Mr. Kachline read the Planning Commission report for November, 2003, a copy of which is on file at the Township's office.

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Jack McIlhinney, Broad Street, commented facetiously that at the last meeting of the Planning Commission which he attended, the meeting was well run and in his opinion it was because public comment was kept to a maximum of 2 minutes. He thanked the Township for excluding the public and having open government.

Park and Recreation Report. Mr. John Apple read the Park and Recreation Report for November, 2003, a copy of which is on file at the Township's office.

Open Space Committee Report. No report.

Zoning Hearing Board Report: Mr. John Snyder read the Zoning Hearing Board report for the month of November, 2003, a copy of which is on file at the Township's office.

After discussion, on motion of Mr. Egly, seconded by Mr. Bender, the Board of Supervisors authorized the re-advertisement of the vacancy on the Zoning Hearing Board in a bolder print. This motion passed by a vote of 3 to 0.

Confirmed Appointments: None

Manager's Report Mr. Lippincott explained that Brooke Rush has requested a staff meeting with the Township staff to review a sketch plan. Mr. Rush has paid the required \$500 escrow to cover Township costs.

After discussion, on motion of Mr. Egly, seconded by Mr. Bender, the Board of Supervisors authorized a meeting with Mr. Brooke Rush and the staff and Mr. Rush will recuse himself when his minor subdivision application is presented for review before the Hilltown Township Planning Commission. This motion passed by a vote of 3 to 0.

Correspondence: Mr. Lippincott explained that he was notified on December 1, 2003, that the 2004 Community Development Block Grant approved the Hilltown Township's grant application for the repair of the roof at the high school in the amount of \$65,000.

Solicitor's Report. Francis X. Grabowski summarized for the Board some of the activities that have received press coverage. He explained that the following zoning changes will be discussed in the near future:

1. BFI Zoning Change – scheduled for December 23, 2003 at 7:30 p.m. at the Township Building. This is a zoning change requested by the applicant to construct a trash transfer station on property on Bethlehem Pike.
2. CVS Zoning Change for land at the northwest corner of Route 113 and 313 scheduled for January 8, 2004 at 7:30 p.m. at the Township Building.

3. H & K Quarry – January 20, 2004 at the Township Building. Additional hearings will be scheduled in February and two additional meetings will most likely be held at the Pennridge Junior High School, Silverdale

Mr. Grabowski then discussed the current lawsuits that involve the Township.

1. Lawsuit involving the Stormwater Management Ordinance that was enacted during the calendar year 2003. A lawsuit was filed, the Township then filed Preliminary Objections to the Complaint. Argument was held before Judge Kane on December 3, 2003. There is no prescribed time for Judge Kane to render his decision.
2. Teed Lawsuits – there are 3 on-going lawsuits. The first is an appeal to the Pennsylvania Commonwealth Court involving an appeal from Judge McAndrew's decision who upheld a decision by the Zoning Hearing Board against the Teeds. A brief was filed on behalf of the Township on December 4, 2003. Argument will be scheduled within 3 to 6 months and held in Philadelphia. The second lawsuit is a mandamus action that was filed by Mr. and Mrs. Teed and the Township has filed Preliminary Objections to that Complaint alleging that the second lawsuit contains the same factual basis as the first lawsuit. The third lawsuit is a civil rights lawsuit filed by Mr. and Mrs. Teed against the Township, the Township Supervisors, the Township Manager, the members of the Zoning Hearing Board, the Zoning Hearing Board Solicitor and the Township's special legal counsel.
3. The Williams zoning appeal has been concluded unless an appeal to the Commonwealth Court is filed within the next few days.
4. There are a number of traffic lawsuits pending and are being defended by insurance counsel.
5. There is another civil rights action that has been filed against Hilltown Township by Mr. Thomas Campbell. He was arrested by various police departments in Pennsylvania for the alleged shooting of an Upper Darby Police Officer. He has named all the police officers in Southeastern Pennsylvania, the District Attorney's offices of Southeastern Pennsylvania, and the Judges who have been involved. The lawsuit against Hilltown Township is for \$35,000,000 and he is representing himself. The case is being defended by the Township's insurance counsel.

Mylars for Signature: None

Public Comment: Jean Bolger, 324 Route 152. She explained that the Civic Association's Christmas baskets are going to be packed at the Township Building on December 20, 2003 at 9:00 a.m. and anyone that would like to assist would be welcome.

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Supervisor's Comments: Mr. Bennington said he has been called a lot of things during his 14 years as a supervisor and some of them have been true and some have been not. However, in a note to a current sitting supervisor and to a supervisor who will be taking office in January, to be called an "anti business socialist dictator" goes beyond normal human decency and in 2004 he is not going to tolerate this nonsense.

Press Conference: Mr. Lippincott agreed to meet with the press after the meeting to explain the nature of the change of zoning applications pending before the Township.

Adjournment: Upon motion of Mr. Egly, seconded by Mr. Bender, the December 8, 2003 Board of Supervisors work session meeting was adjourned at 8:15 p.m.

Respectfully Submitted,

Jean W. Deckert
Acting Recording Secretary