

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED WORKSESSION MEETING
Monday, November 8, 1999
7:30PM**

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

Also present were: Kenneth B. Bennington, Vice-Chairman
John S. Bender, Supervisor
Bruce G. Horrocks, Township Manager
Kerry L. Trauger, Police Chief
Thomas A. Buzby, Director of Public Works
Gregory J. Lippincott, Asst. Mgr./Zoning Officer
David W. Taylor, Building Inspector
James G. Groff, HTWSA Operations Manager

A. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

B. APPROVAL OF MINUTES – Action on the minutes of the October 25, 1999 Supervisor’s Meeting – Motion was made by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the October 25, 1999 Supervisor’s Meeting, as written. There was no public comment.

C. APPROVAL OF CURRENT BILLING – Chairman Bennett presented the Bills List dated November 9, 1999, with General Fund payments in the amount of \$185,495.56 and State Highway Aid Fund payments in the amount of \$170,448.49; for a grand total of all payments in the amount of \$355,944.05.

Motion was made by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously to approve the Bills List dated November 9, 1999, as written. There was no public comment.

D. TREASURER’S REPORT – Mr. Bruce G. Horrocks, Township Manager – Mr. Horrocks presented the Treasurer’s Report with the following balances as of October 31, 1999:

General Fund Checking	\$ 232,987.71
Payroll Fund Checking	\$ 1,283.76
General Reserve Fund	\$ 601,250.62
Fire Fund Checking	\$ 58,361.11
Debt Service Checking	\$ 254,243.54
State Highway Aid Checking	\$ 207,565.93
Escrow Fund Checking	\$ 283,563.35
Capital Projects – Series 1989	\$ 27,394.09
Capital Projects – Series 1994	\$ 104,745.84

Motion was made by Supervisor Bender, seconded by Supervisor Bennington, and carried unanimously to approve the Treasurer's Report as of October 31, 1999, subject to audit. There was no public comment.

E. AUTHORITY REPORT – Mr. James G. Groff, Operations Manager – Mr. Groff presented the Authority Report for the month of October, 1999; a copy of which is on file at the Township office.

Mr. Groff presented copies of the water overlay map to the Supervisors, seeking Board approval in order to present it to the North Penn Water Authority for further discussion.

Motion was made by Supervisor Bennington, and seconded by Chairman Bennett to authorize the Hilltown Authority to present the water overlay map to the North Penn Water Authority for further discussion, with the Hilltown Board of Supervisors exercising their right to authorize approval once the final draft has been determined. Supervisor Bender abstained. Motion passed. There was no public comment.

Mr. Groff attended the Pennridge Area Coordinating Committee meeting on October 28, 1999 to discuss water issues and to review GIS material received from DEP, showing all the basins in Hilltown Township along with the recharge area. Supervisor Bennington advised Mr. Jay Ash from Dames and Moore will be attending the November 18, 1999 Pennridge Area Coordinating Committee meeting to discuss his proposal for conducting a hydro geological study of the entire Pennridge area. Another professional will attend the December meeting to make his presentation, as well.

With regard to possible quarry water reclamation, Mr. Groff and the Authority Engineer will be meeting with engineers from the Skunk Hollow Quarry tomorrow to discuss the possibility of utilizing their water for public use.

F. PUBLIC WORKS REPORT – Mr. Thomas A. Buzby, Director of Public Works – Mr. Buzby presented the Public Works Report for the period of September 26, 1999 through October 23, 1999; a copy of which is on file at the Township office.

Supervisor Bennington announced that on December 4, 1999, the Supervisors and Ms. Parks will be conducting a road inspection of Hilltown from 7:30AM to 12:00 Noon.

G. POLICE REPORT – Chief Kerry L. Trauger – Chief Trauger presented the Police Report for the month of October, 1999; a copy of which is on file at the Township office.

Discussion took place concerning the recent fatality at the intersection of Rt. 152 and Rickert Road, that involved one of the drivers dialing on his cell phone. Supervisor Bennington wished to voice his displeasure to the State Legislature and force them to

consider a bill to ban the use of cell phones while operating vehicles. Chief Trauger advised that Senator Conti was bringing Senate Bill 1085 to the Senate floor today. If this Bill is passed, Supervisor Bennington asked what type of fines will be imposed on people found guilty of talking on a cellular phone while driving. Chief Trauger believes there will be \$25.00 fine plus costs imposed. Chief Trauger has directed Hilltown Police Officers to stop any motorists they see on cellular phones who do not appear to be paying attention while driving. Before the State passes this legislation, Supervisor Bennington asked if the Township could advertise and pass a local legislative action within the confines of Hilltown Township to address this issue. Chief Trauger does not believe so, however he suggested the Township Solicitor review the matter. Supervisor Bennington directed Mr. Horrocks to discuss this matter with Solicitor Grabowski tomorrow. Chief Trauger has instituted a policy with his police officers, prohibiting the use of cellular phones while operating any Hilltown vehicle. A lengthy discussion took place concerning the use of cell phones while operating a vehicle and the increase of traffic in Hilltown Township.

H. ZONING REPORT – Mr. Gregory J. Lippincott, Zoning Officer – Mr. Lippincott presented the Zoning Report for the month of October, 1999; a copy of which is on file at the Township office.

Supervisor Bennington asked Mr. Lippincott to conduct a short presentation regarding the 2000 Census at the December worksession meeting.

I. BUILDING REPORT – Mr. David W. Taylor, Building Inspector – Mr. Taylor presented the Building Report for the month of October, 1999; a copy of which is on file at the Township office.

J. HILLTOWN FIRE COMPANY REPORT – Mr. Shawn Shade – Mr. Shade read the Hilltown Fire Company Report for the month of October, 1999; a copy of which is on file at the Township office.

Mr. Shade advised that 20 members of Hilltown Fire Company participated in an Emergency Vehicle Operators Course, which consisted of learning how to operate the vehicle in a safer manner and evasive maneuvers.

In February, Supervisor Bennington asked Chief Trauger to provide a comparison of accidents and incidents for 1998 and 1999. Supervisor Bennington would like to be able to provide presentations for the public from different departments so that they are kept abreast of matters in Hilltown Township.

K. SILVERDALE FIRE COMPANY REPORT – Mr. Keith Seifert, Chief – Mr. Seifert read the Silverdale Fire Company Report for the month of October, 1999; a copy of which is on file at the Township office.

Supervisor Bennington noted there has been a request from Silverdale Fire Company for assistance with funding for the purchase of radios, and asked if Silverdale Borough has provided any funding. Mr. Seifert replied that Silverdale Borough is in the process of preparing their 2000 budget, and the fire company is anticipating a donation from the Borough.

L. PLANNING COMMISSION REPORT – Mr. John Kachline, Chairman – Mr. Kachline read the Planning Commission Report for the month of October, 1999; a copy of which is on file at the Township office.

M. PARK AND RECREATION REPORT – No one was present at this time.

N. CONFIRMED APPOINTMENTS:

1. Mr. Phil Fitzgerald – Zoning Complaint/ Pools – Mr. Fitzgerald was in attendance to discuss Section 201.244 of the Zoning Ordinance, which defines a front yard. Mr. Fitzgerald received correspondence from the Zoning Officer denying his application for a zoning permit application to construct a swimming pool in his yard. Section 201.244 of the Zoning Ordinance states, "In the case of a lot other than a corner lot that fronts on one or more streets, the yards extending all along all streets are front yards." Mr. Fitzgerald's property is located on Brinkley Drive, with Rt. 113 running along the side of his property. Mr. Fitzgerald only has one access onto Brinkley Drive, with no access to Rt. 113 at all. Mr. Fitzgerald presented photographs showing his front yard that accesses Brinkley Drive, and photographs showing the back yard with fencing along both sides, where the swimming pool is proposed.

Chairman Bennett and Supervisor Bennington agreed with Mr. Fitzgerald that this section of the Zoning Ordinance must be revised to address properties such as his. Unfortunately, to revise this section of the Ordinance, proper advertising and a public hearing must take place. Mr. Fitzgerald does not expect to begin construction of his swimming pool until early spring of 2000. Discussion took place. The Supervisors will request that the Planning Commission review this Section of the Zoning Ordinance, make their recommendation, advertise the Ordinance, and hopefully revise the Ordinance well before the spring of 2000. Without a change in the Zoning Ordinance, Mr. Horrocks noted that the Supervisors have no say in the Zoning Officer's interpretation, however to move forward in a timely manner, Mr. Horrocks will take this issue to the Planning Commission worksession meeting next month.

O. MANAGER'S REPORT – Mr. Bruce G. Horrocks, Township Manager –

1. Mr. Horrocks presented nine escrows for the Board's consideration, five of which are cash held by the Township:

313 Self Storage, Inc. (Silverman)	Voucher #14	\$ 470.06
Bricks Villa phases I & II (combined)	Voucher #6A	\$ 144.63
Country Roads Phases II, III, & IV	Voucher #2A	\$ 559.80
Tall Oaks Subdivision	Voucher #1A	\$ 79.69
Jay Landis Subdivision	Voucher #02	\$ 122.84
Jay Landis Subdivision	Voucher #03	\$ 949.07
Leonard Kunkin Assoc. Inc.	Voucher #03	\$ 569.65
Longleaf Estates Phase I	Voucher #34	\$ 1,634.18
Quiet Acres	Voucher #29B	\$ 246.41

Motion was made by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously to approve the release of the nine escrows as noted above. There was no public comment.

2. The Township's certified public accounting firm of Niessen, Dunlap and Pritchard has disbanded, and the two remaining active partners have split, each forming their own company. Even though it is not required to go out on bid for professional services, Mr. Horrocks is seeking Board authorization to advertise for proposals for certified public accountants, beginning with the year 2000.

Motion was made by Supervisor Bennington, seconded by Supervisor Bender and carried unanimously to authorize the advertisement of written proposals for auditing services for Hilltown Township beginning with the year 2000. There was no public comment.

P. CORRESPONDENCE - None.

Q. MYLARS FOR SIGNATURE:

1. McCauley Subdivision
2. McCauley/Good Shepherd Lot Line Adjustment

R. PUBLIC COMMENT:

1. Mrs. Janice Stemler of Beverly Road noted that since the addition of a traffic signal at the intersection of Rt. 113 and Diamond Street, the danger has moved to the intersection of Rt. 152 and Rt. 113. Mr. Horrocks explained that the intersection of Rt. 152 and Rt. 113 is located in Silverdale Borough, not Hilltown Township, and

therefore, this Board cannot speak to that intersection. Supervisor Bennington suggested Mrs. Stemler present her concerns at a Silverdale Borough meeting.

2. Mrs. Jean Bolger of Rt. 152 thanked Mr. Lippincott for establishing e-mail addresses for the Supervisors. Mrs. Bolger had requested that agenda items be updated on a regular basis on the website. Mr. Horrocks will speak to Mr. Lippincott about this suggestion. Discussion took place. The Supervisors regular meeting agenda will be placed on the web site sometime during the day on Fridays prior to a meeting.

Mrs. Bolger understands that the proposed Act 537 Plan states that a sewage treatment plant would be constructed by a developer, and she has concerns about that statement because she believes developers don't do anything without strings attached. Mrs. Bolger wondered if there was any other way to accomplish that. Supervisor Bennington noted that the other way would have been for the Pennridge Wastewater Treatment Authority to discuss an expansion of their plant fifteen years ago, however that never took place. Now, because the voting on that Authority is heavily weighted by the inequity of voting strength, Perkasio and Sellersville can easily outvote Hilltown, West Rockhill, East Rockhill, and Silverdale Borough combined. Therefore, all the decisions are Sellersville and Perkasio's to make. If Hilltown Township had joined with PWTA's expansion, they were asking that all the municipalities provide their planned expansion for the next 20 years, which is impossible to do. Supervisor Bennington explained that Heritage Building Group is going to be able to build two developments in Hilltown – one at the Eckert Farm and one at the Papiernik Tract, and he believes that the Township should permit the Hilltown Authority to construct a package treatment plant in a non-residential area with funding from the people that will be utilizing that sewage – Heritage Building Group, in both cases. Mrs. Bolger argued that the people utilizing that sewage won't be Heritage Building Group; it will be the customers purchasing their homes. Supervisor Bennington advised the alternative is that instead of one large package plant built to the specifications of the Hilltown Authority, there would be many package treatment plants constructed to serve each and every development, which may not be to the high standards of the Hilltown Authority. Supervisor Bennington is not in favor of the construction of a series of individual package treatment plants dotting the Township in the development area. Mrs. Bolger agreed with Supervisor Bennington, however she feels there must be a better way. Mr. Horrocks commented this is nothing more than what has been going on for years and years in this Township, and that is to get a new sewer connection, there is a tap-in fee. Whether the builder pays for it, or the homebuyer pays for it, a connection fee is required. The difference is that the tap-in fee does not affect current users, it is only for new construction. Mr. Horrocks reminded Mrs. Bolger that a Public Hearing will be held for discussion of the proposed Act 537 Plan, prior to its adoption. Mrs. Bolger is frustrated with developers coming before the Township and making unreasonable demands. Discussion took place.

Mr. Groff explained that Hilltown Township is presently at a crossroads. The two scenarios involved are the PWTA plant or our own treatment facility. To use PWTA, capacity must be purchased at one lump sum, which means the Authority would have to float a bond in order to purchase that capacity. For the Water and Sewer Authority to float a bond, Mr. Groff noted Township backing is required. If that capacity is purchased, and the nation goes into a recession, the only way to pay off that bond issue would be to assess the current user fees or raise Township taxes. Mr. Groff stated that the Authority is not prepared to do that because it would be a risk for both the Authority and the Township. Mr. Groff advised that the Township is proposing to place the risk on the developer to require them to be responsible for constructing the treatment plant. The plant would be built to handle the capacity of the present users, not proposed users. Supervisor Bennington asked how many EDU's Heritage has reserved to build into the new package treatment plant. Mr. Groff does not know how many EDU's Heritage will reserve. The treatment plant will be constructed for the EDU's that are on the books, ready to be developed. If Heritage or any other builder requests EDU's over and above that amount, Mr. Groff feels the developer should foot the bill for plant expansion. The Authority has no intention of assuming any debt. Mrs. Bolger asked if the developer would then own the sewage treatment plant. Mr. Groff replied that the developer would not own the plant; they would be funding the project. The plant would be turned over to the Hilltown Authority prior to construction.

*A lengthy discussion took place, with residents not approaching the microphone and therefore, their comments could not be transcribed.

3. If the Authority constructs the package treatment plant and assumes the debt, Mr. John Kachline asked if a formal bid procedure must be used. Mr. Groff agreed that it would. Mr. Kachline asked if the bid procedure could be sidetracked by the developer using their own crews for construction of the plant. Mr. Groff does not believe that developers have the resources available to them to construct a package treatment plant to the Hilltown Authority specifications. Further, if the Authority constructs the plant, they must pay prevailing wage, and therefore the Authority and the Township would be assuming even triple the debt. Mr. Kachline asked when discussions and an agreement with Heritage came about. Mr. Groff stated there is no agreement at this time. It seems to Mr. Kachline that there are a lot more dwellings proposed in these two Heritage developments than were permitted in the original Zoning Ordinance. Now suddenly, Heritage is willing to donate a package treatment plant and it appears to Mr. Kachline that a compromise was struck between the Township and the developer to permit extra lots in return for construction of a package treatment plant. Mr. Groff adamantly denied the implication made by Mr. Kachline, and noted that the Authority and the Township are doing their best to look to the future and stay ahead of developers.

Mr. Horrocks noted that the Township was recently accused by residents, and appointed and elected officials, of changing the date of a holiday because a newspaper printed an article stating that it was so. Mr. Horrocks advised that not one person in this building spoke to that newspaper, yet it was implied that Township officials had a hand in changing the official date for Halloween. Mr. Horrocks stated that there are a great deal of half-truths, innuendo, and rumors circulating in the Township on a variety of issues. Mr. Horrocks encouraged all residents to attend the November 22, 1999 Supervisors meeting, when this Board will have the benefit of their Township Engineer, the Authority Engineer, and the Township Solicitor for the public hearing to consider the adoption of the Act 537 Plan.

Supervisor Bender advised that the Hilltown Township Water and Sewer Authority will be meeting on Wednesday, November 10, 1999 and discussion of the Act 537 Plan at that meeting is welcomed and encouraged. Supervisor Bender stated that whoever has the need for sewer should pay for it, because the alternative of putting the burden on the current ratepayers or on the Township is a losing situation. Chairman Bennett agreed with Supervisors Bender and Bennington.

4. If the Cluster Ordinance of last fall had not been changed, Mrs. Diana Urban asked if construction of a sewage treatment plant would be necessary. The Supervisors were all in agreement that it would. Supervisor Bennington explained that because sewage is a necessity, there would have been a proposal for a Hilltown Township Water and Sewer Authority sewage plant, whether the Cluster Ordinance of October, 1998 was correct or incorrect. If anyone would like to review Township minutes prior to the October, 1998 Public Hearing when the Cluster Ordinance was adopted, Mr. Horrocks noted there are many references and public discussions concerning the possibility of a Township Authority sewer plant or expansion of PWTA. Because there was no planned expansion of PWTA, Supervisor Bennington noted Hilltown Township wanted to be able to specify the plant that was going to be constructed, rather than a developer going through a private application to DEP to construct their own individual plants to their specifications. That, to Supervisor Bennington, was unacceptable. Chairman Bennett explained that in PWTA, there are nine votes – with Perkasio having three, Sellersville having two, and the remaining four votes distributed among Silverdale Borough, Hilltown and East and West Rockhill Townships. Perkasio and Sellersville are both virtually built out at this time. It does not appear to Chairman Bennett that PWTA is concerned with what the remaining municipalities want or need.

When the issue of the sewage treatment plant had been discussed in the past, Mrs. Urban recalls that the plant is proposed to be modular so that it could be expanded with ease. Mr. Groff agreed that was correct.

S. SUPERVISOR'S COMMENT:

1. On Election Day, Supervisor Bennington heard rumors that he would be raising taxes next year to pay for open space. Supervisor Bennington advised that he, as one Supervisor, couldn't do anything without the agreement of at least one other Supervisor. This Board has discussed placing a referendum question on the ballot next year, however Supervisor Bennington publicly stated that he would not be the catalyst for that, that it must be the decision of the residents of this Township. If the public votes to place this referendum on the ballot, they must be the ones to decide that the Township should borrow \$4 to \$5 million dollars to purchase open space. If that amount of money is going to be raised through an approved bond issue, Supervisor Bennington advised the only way to pay the debt service will be through an increase in taxes, either through a wage tax increase or a real estate tax increase. Buckingham Township just raised \$10 million dollars through an open space referendum, which will cost each one of their taxpayers an additional \$165.00 per year. Supervisor Bennington is willing to do whatever the residents of Hilltown Township want him to do.

2. Supervisor Bender thanked everyone who voted for him on Election Day.

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

U. ADJOURNMENT: Upon motion by Supervisor Bennington, seconded by Supervisor Bender, and carried unanimously, the November 8, 1999 Board of Supervisors Worksession meeting was adjourned at 9:05PM.

Respectfully submitted,



Lynda Seimes

Township Secretary

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