

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED PUBLIC MEETING
Monday, April 26, 1993
7:30PM**

(STUDENT PARTICIPATION DAY)

The meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr. at 7:33PM. In recognition of Local Government Week, Chairman Bennett introduced the following three students from local elementary schools who will be "Acting Supervisors" for a portion of this evening's meeting.

Chairman: Paul Korom (Our Lady of Sacred Heart)
Vice-Chairman: Matthew MacDonald (John M. Grasse)
Supervisor: Bradley Roberts (Margaret Seylar)

Mr. Korom is an eighth grade student at Our Lady of Sacred Heart School. He is the son of Piroska and Paul Korom of Fairhill Road.

Mr. MacDonald is a sixth grade student at John M. Grasse Elementary School. He is the son of Mary and James MacDonald of Bricks Way.

Mr. Roberts is a sixth grade student at Margaret Seylar Elementary School. He is the son of Irene and John Roberts of Walnut Street.

Chairman Bennett explained Local Government Week was observed the week of April 12, 1993. It is a week in which Mr. George Egly - Chief of Police, Mr. Bruce Horrocks - Township Manager, and Mr. William Bennett - Chairman of the Supervisors, visits the three Hilltown Township elementary schools to speak to the students about local government.

Members present were: William H. Bennett, Jr. - Chairman
Kenneth B. Bennington - Vice-Chairman
Jack C. Fox - Supervisor

Others present were: Above named "Acting Student Supervisors"
Bruce G. Horrocks, Township Manager
Francis X. Grabowski, Township Solicitor
C. Robert Wynn, Township Engineer
George C. Egly, Chief of Police
Lynda Seimes, Township Secretary

Chairman Korom welcomed those present to the Local Government Week Observance meeting of the Hilltown Township Board of Supervisors and opened with the Pledge of Allegiance.

A. APPROVAL OF MINUTES:

Action on the minutes of the March 22, 1993 Board of Supervisor's Meeting: Motion was made by Supervisor Roberts, seconded by Supervisor MacDonald, and carried unanimously to approve the minutes of the March 22, 1993 Supervisor's Meeting, as written.

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Action on the minutes of the April 12, 1993 Board of Supervisor's Worksession Meeting: Motion was made by Supervisor MacDonald, seconded by Supervisor Roberts, and carried unanimously to approve the minutes of the April 12, 1993 Supervisor's Worksession Meeting, as written.

B. APPROVAL OF CURRENT BILLING:

Chairman Korom presented two Bill's Lists for approval this evening:

Bills paid March 31, 1993
General Fund \$21,047.23
State Highway Aid \$ 5,344.24
-for a total of all funds of \$26,391.47

Bills paid for April 14, 1993
General Fund \$43,583.36
State Highway Aid \$ 6,093.21
-for a total of all funds of \$49,676.57

Motion was made by Supervisor Roberts, seconded by Supervisor MacDonald, and carried unanimously to approve the payment of bills when due, subject to audit.

C. TREASURER'S REPORT - Mr. Bruce G. Horrocks, Township Manager -

Mr. Horrocks presented the Treasurer's Report with the following balances as of April 23, 1993:

General Fund \$68,187.09
Payroll \$ 261.54
Fire Fund \$77,273.40
Debt Service \$55,120.06
State Highway Aid \$216,167.67
Escrow Fund \$128,725.07

Motion was made by Supervisor MacDonald, seconded by Supervisor Roberts, and carried unanimously to accept the Treasurer's Report, dated April 23, 1993, subject to audit.

For the Board's review, Mr. Horrocks has included a comparison of the first quarter of 1993 vs. the first quarter of 1992 and 1991, noting some areas of revenue and expenditure. The first quarter of this year has not shown as high an amount of income as one year ago. In 1992, \$397,407.00 of income was received during the first quarter, and during the first quarter of 1993, \$350,618.00 was received. Also, some of the expenditures, mainly highway maintenance overtime, due to the snow storms, has put expenditures up by approximately \$10,000.00 over what they were one year ago.

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D. SOLICITOR'S REPORT - Mr. Francis X. Grabowski, Township Solicitor -

1. Solicitor Grabowski presented the land development plan of Jerry's Auto Body, located on Bethlehem Pike. The project, which proposes an addition to the existing business, provides for a Development Agreement and a Financial Security Agreement. The amount of required improvements is \$16,666.38. These funds have been secured by Letter of Credit issued by Union National Bank. All agreements have been appropriately signed by the bank and by Mr. and Mrs. Fish.

Motion was made by Supervisor Roberts, seconded by Supervisor MacDonald, and carried unanimously to accept the agreements for Jerry's Auto Body, as stipulated above.

2. Solicitor Grabowski presented plans for the Stoltz Subdivision, located on Rt. 113. Mr. and Mrs. Gerald Stoltz are offering an easement of road frontage to the Township under the terms of their subdivision project, and the Easement Agreement has been signed.

Motion was made by Supervisor MacDonald, seconded by Supervisor Roberts, and carried unanimously to adopt Resolution #93-33, for the acceptance of Declaration of Easement by Mr. and Mrs. Stoltz for the Stoltz Subdivision.

E. RESIDENT'S COMMENTS ON AGENDA ITEMS ONLY: None.

F. CONFIRMED APPOINTMENTS:

1. Mr. Larry Gruver - Niessen, Dunlap and Pritchard - Mr. Gruver presented the completed Audit Report of Hilltown Township, for the year ending December 31, 1992. The audit was substantially completed by March 15, 1993, and was filed timely with the Pennsylvania Department of Transportation, in order for the Township to secure it's 1993 Liquid Fuels Funding. At that time, however, NDP was still waiting for information from the Pennsylvania Municipal Retirement System, which handles both the Police pension and the Non-Uniform pension plan. That information was received on April 19, 1993.

Mr. Gruver advised Niessen, Dunlap, and Pritchard performed an audit on the books and records of Hilltown Township, which was performed in accordance with generally accepted auditing standards. As has always been the case, the Township presents it's financial statements on a "cash basis" of accounting, which simply means revenues are recognized as cash received, and expenditures are recognized as cash disbursed.

Mr. Gruver highlighted certain aspects of the report, as follows:

- Hilltown Township has not maintained a detailed record of fixed assets, and accordingly, such is not included. Mr. Gruver explained there is an asset listing the Township maintains, however the Township has never assigned historical costs to many of the older assets. Mr. Gruver noted this is not a significant problem, however it explains why no dollar figures are shown for Fixed Assets of Hilltown Township.

- Under normal accounting requirements, the activities of Hilltown Township Water and Sewer Authority would be combined with the Township activities, in order to meet basic financial reporting requirements, which are set forth by the American Institute of Certified Public Accountants. The reason is that the Township has guaranteed the debt of the Authority, should the Authority not have sufficient revenues to pay that debt itself. For the Township's purposes and for the reporting purposes to Harrisburg, NDP has not included the Authority activities in these financial reports.

- In NDP's opinion, except for the previously mentioned items, Mr. Gruver explained the financial statements do present fairly the financial activities of Hilltown Township for 1992, on a cash basis of accounting.

- Concerning the combined Statement of Assets and Liabilities, arising from cash transactions, these are the major fund groups under which Township activities are recorded. Mr. Gruver briefly highlighted the fund balances shown in the report:

a. General Fund - At the end of 1992, Hilltown Township had a General Fund balance of \$183,420.00. Of that total, \$96,620.00 represents monies designated by the Board of Supervisors for future road improvements, based upon developer contributions which were received in the past. These contributions were primarily received from the Toth Development and the Finkelstein Development, and are shown in the General Fund as a Board designated balance. The other amount, \$86,800.00, is basically free and clear monies that the Township took in during 1993 as part of it's General Fund balance.

b. Special Revenue Funds - This fund has a total fund balance of \$114,716.00, The total breaks down into four different funds - including the State Liquid Fuels Fund, with an ending balance of \$53,900.00, the Fire Protection Fund with an ending balance of \$55,700.00, the Fire Hydrant Fund with an ending balance of approximately \$6,000.00, and the Street Light Districts (combined) with a deficit fund balance of approximately \$900.00.

c. Debt Service Fund - This fund had a total fund balance of \$11,000.00 credited to it as of the end of the year.

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d. Agency Fund - These are Escrow monies held by the Township for deposits made by developers. As of December 31, 1992, the fund balance was \$30,993.00.

e. Pension Trust Funds - This information was not included in prior audits by the elected auditors. Mr. Gruver commented his staff worked very hard with Mr. Horrocks and PMRS to add this to the financial record. As a matter of record, the State Auditor's Office, which periodically audits pension funds, has been requiring expanded disclosures and reporting on the pension fund activity. Those activities have been included in the report. As noted on December 31, 1992, there was a total of \$1,831,000.00 in pension funds. The Police pension fund contains \$1,422,000.00, and the Non-Uniform pension fund contains approximately \$409,000.00. Mr. Gruver commented both of these pension plans are over-funded, which is good news for the Township and it's employees.

f. General Long Term Debt - This simply states liability the Township has under the lease/rental agreement with the Hilltown Township Water and Sewer Authority. Basically, this is the future Debt Service that Hilltown Township makes on their share of the Bond proceeds which were taken out several years ago.

In summation, Mr. Gruver stated all funds of Hilltown Township were at a positive balance at the end of 1992. Mr. Gruver advised his firm was at Hilltown Township approximately three years ago to present an audit report, under some different circumstances, with the General Fund having a \$157,000.00 deficit. Mr. Gruver feels the Board of Supervisors and staff should be commended for the great financial turn around during the past three years.

- Adjustment to the fund balance:

a. When NDP reviewed the elected auditor's ending report for 1991, it was discovered they had not included the pension fund balance. Therefore, one of NDP's adjustments is noted as \$1,506,000.00, which was recorded to reflect the beginning of year fund balances in the Police pension fund and the Non-Uniform pension fund.

b. Road improvement funds received as "Capital Contributions" had previously been shown within the Escrow Funds. Mr. Gruver believes this was done to physically segregate them from the General Fund assets. Technically, due to the nature of Escrow Funds, NDP had transferred an entry to take \$83,000.00 out of the Escrow Fund and move it into the General Fund. This is part of the restricted fund balance mentioned in the amount of \$96,000.00.

- Pension Reporting - Mr. Gruver previously stated there are many expanded requirements in this area. In summary form, this

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section details the various benefits that each of the plans provide to Township employees, with the most important section dealing with funding status. The information obtained was as of the last official actuarial evaluation date, which was January 1, 1991. At that time, the Police pension fund was overfunded by \$127,570.00, and the Non-Uniform pension fund was over-funded by \$121,000.00.

An accumulation of ten year historical information on the plan is shown. While the last official evaluation was done on January 1, 1991, PMRS does an estimated update of that evaluation, so therefore, the 1992 figure shows the Police pension fund still over-funded in the amount of approximately \$96,000.00. Again, Mr. Gruver noted, this is an estimate by PMRS, who will do a complete evaluation again on January 1, 1993.

Similarly, the Non-Uniform pension plan, with the PMRS estimated valuation, was over-funded by approximately \$112,000.00 at January, 1992. Therefore, Mr. Gruver stated, both pension plans appear to be in very good order. Many municipalities have had or are currently experiencing problems keeping their pension plans funded. With the accumulation of primarily Foreign Casualty Insurance premiums over the years, coupled with Township contributions, Hilltown Township has been able to fund the plan. A summary for the last six years gives a statement of where these contributions have come from - be it municipal or member contributions, or State aid.

Chairman Bennett wished to clarify the statement made earlier concerning the Hilltown Township Water and Sewer Authority. Chairman Bennett advised the Authority does have their own outside auditing firm, which they utilize on an annual basis. Mr. Gruver explained this type of situation happens in governments when cities or states have many entities under it's jurisdiction that are inter-related. Because of the default of some cities in the past, accounting rules state that if any government agency has oversight of other entities, or control over funds, it should all be reported together so that the true picture can be seen. In most cases, DCA, PennDot, and other agencies still want to know Hilltown Township's activities, separate from the Water and Sewer Authority, which is why NDP has made that disclosure. Chairman Bennett is correct in stating that the Authority is required to conduct a yearly audit.

Supervisor Bennington asked if Mr. Gruver felt the Township is on solid financial footing at this time. Mr. Gruver replied things are looking very good for Hilltown Township, and felt the Supervisors have done an excellent job of turning the Township around fiscally. Further, Mr. Gruver commended Mr. Horrocks, Mrs. Leslie, and the office staff for their fine work. Three years ago when NDP performed the audit for Hilltown Township, the management

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letter was approximately 10 pages long and listed quite a few serious problems. At present, many of those problems have been corrected.

The current management letter was reviewed, with Mr. Gruver briefly highlighting those recommendations to either improve upon what is already being done, or to clear up some questions which might arise. Mr. Gruver presented a listing of recommendations by Niessen, Dunlap, and Pritchard:

- Segregation of Duties - Indicates there is a slight weakness due to the small staff of the Township. Good control consists of a segregation of various duties, particularly with the handling of cash in the office. This must be weighed, however, with the cost effectiveness of acquiring the number of employees which would be required to allow complete segregation of duties. Mr. Gruver commented 90% of the audits done for small businesses and governments would contain this paragraph indicating that there is not adequate segregation. However, NDP is not suggesting that the Township hire extra personnel to rectify the problem. In a government situation, Hilltown Township is not as critical as other businesses because the Board of Supervisors review and sign checks, and there are other controls in place to counterbalance the problem.

- Lease Agreements - In reviewing the various lease agreements, NDP questioned whether any rent monies are due from the Hilltown Township Water and Sewer Authority to the Township. According to the agreement, it appears there should be a \$4,000.00 payment made each year. Mr. Gruver advised there may be a question as to whether or not the payment of lease agreements may have been evaded due to some other expenditures. Chairman Bennett explained that payment was evaded for a period of five years, under mutual agreement with the Authority.

Supervisor Bennington commented NDP previously stated that the Township Solicitor had indicated it was his belief that the \$4,000.00 payment should be made each year to the Township. Mr. Gruver noted he did not actually ask the Township Solicitor for an opinion concerning this issue, as this was found late in the audit. However there was a letter Mr. Grabowski had sent to the Authority, explaining his understanding of the transaction. Mr. Gruver does not know if that was Mr. Grabowski's actual opinion, per se, but there was enough question in the auditor's mind that they believe the Township should at least pursue the matter of whether or not the rents are still due.

Solicitor Grabowski stated the Authority came to a financial agreement with the owner of this property, and there is an agreement between the Township and the Authority as to how funds

can be credited back and forth. In recent years, the Authority has been financially responsible for the fire insurance for this building, and Solicitor Grabowski believes they continue to pay the premium on the insurance, with that being credited towards the \$4,000.00 per year lease agreement. Chairman Bennett thought the matter also involved a computer the Authority acquired from the Township.

- Advertisement of Proposed Budget - The Township Code requires the budget be advertised in the newspaper 20 days prior to adoption, however from review of the records, it appears the budget was advertised only 16 days prior to adoption. Mr. Gruver noted this is not a major problem, however some of the compliance steps they go through highlighted the matter.

- Exonerations - Yearly Per Capita Taxes - Mr. Gruver explained the Tax Collector compiles a listing of residents who should be exonerated or relieved from this tax because of various reasons, including that they have either moved during the year, or may have become retired. Historically, Mr. Gruver believes the Tax Collector has been exonerating residents and giving credit for not having to collect those taxes, without the Board really taking any action. In the local Tax Collection Act, and a few other acts, it is required that this governing Board actually approve any exonerations the Tax Collector may suggest and state the reasons for it.

- Pre-Numbering of Permits - Mr. Gruver explained this is a suggestion to aid in strengthening of controls. Building Permits, Plumbing Permits, Electrical Permits, etc. are not currently pre-numbered from the printer in a numerical sequence, similar to bank checks. NDP recommended that in the future, the Township orders permits which are sequentially numbered.

- Transfer of Debt Service Funds - There was a small transfer of monies from the Debt Service Fund to the General Fund, in the amount of \$4,000.00. It is Mr. Gruver's understanding that those monies should stay in the Debt Service Fund in future years. Basically, real estate millage is being collected for Debt Service, and the taxes have to stay in the Debt Service Fund. It has always been NDP's understanding that the interest earned should also stay within that fund. As Debt Service requirements change, and as the interest accumulated may increase that fund balance, there is really not a requirement for the Township to change tax millage. A surplus can be built within the fund as the interest accrues, and then in the final payment of the debt, it would reduce the payment and the Township would adjust the tax accordingly.

- Street Lighting Districts - There are approximately 12 districts within the Township. Most districts have a different

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rate, as far as cents per footage of frontage, that the residents are charged for the street lights in those areas. At present, there is one Street Light Tax Fund established, however because there is a different rate for each district, Mr. Gruver felt the cumulative fund balance should be broken down by all twelve districts. In the event that one district is overpaid at the end of the year, this breakdown will allow the fund balances to carry that surplus against it's electric bills in the following year. NDP would be happy to assist the Township with establishing this procedure.

- Computer System - The computer system has been in place for a number of years, and consists of a software package that was customized for the Township by one individual who has written, developed, and supports the present system. It is Mr. Gruver's concern that if something were to happen to that one individual, the Township may not be able to continue to get the support it needs for the software package. The system is also several years old, and an upgrade may be something to consider if the Township is looking at software for any other reason.

Finally, Mr. Gruver commended the office staff and the Board of Supervisors for the action they have taken, and advised it was a pleasure to work on the audit this year.

2. Mr. Chris Gardner - "March for Jesus" - Mr. Gardner, a representative of the steering committee of the "March for Jesus, had previously spoken to Mr. Horrocks and Chief Egly, as well as representatives of Telford Borough, concerning this matter. Reverend Glenn Serino, general chairperson for the "March for Jesus" was also in attendance to share the basic concept of this proposal.

Reverend Serino is the pastor of Pennridge Full Gospel Tabernacle located in Hilltown Township. "March for Jesus" was started in 1987 in a small church in London, whose parishioners held a "praise" parade to make a positive statement about their faith in Jesus. The first parade was very well attended and was very well received by the city of London, and the tradition continued in 1988 and 1989. By 1990, there were over 24 marches throughout all of Great Britain. One of the most significant marches was held in Belfast, Northern Ireland where over 6,000 Roman Catholic and Protestant parishioners marched together for Jesus. The media was in full force for this event, expecting to see the Protestant and Catholics clashing, however instead they saw the Protestant faction marching towards the Catholic faction to meet at one point in the street, wearing their traditional orange and green jerseys. When they came together, they exchanged jerseys and continued marching arm and arm, under one banner. By 1992, Reverend Serino explained, there were over 44 marches held in Europe, with over 600,000 people

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world-wide, marching for Jesus. That year, there were 142 marches throughout the United States, with two being held in Pennsylvania - one in Pittsburgh and one in Apollo. This year, on June 12, 1993, there are over 320 marches planned for the United States alone. The march planned for the Telford area is the only one on the east side of the state.

Reverend Serino wished to emphasize that "March for Jesus" is not a brand new event, but rather an international and global event. All of these marches will be taking place on the same day, at approximately the same starting time. Rev. Serino stated the event organizers works not only through the Bucks-Mont Coalition for Evangelism, but through a national organization based in Austin, Texas. When thinking of a "march", most people think of a protest, however "March for Jesus" is not that at all. Rev. Serino assured the Board that this march is not a protest. This is not an issue oriented type of a march, nor is it being held strictly for the media. Rather, Rev. Serino stated, the participants will be marching for an audience of one - for Jesus. This is not a statement of what the participants are against, but of what the participants are for. Rev. Serino feels the single most important factor is that this march is a cooperative effort of area churches, coming together to accomplish something positive. The "March for Jesus" is not to promote any particular sect or any particular church. This march will show the community that the participants are not, as Christians, a radical abortion clinic bombing type of people as they are sometimes portrayed in the media. The march will be a promotion of Jesus by those who bear his name.

Regarding the implementation, Rev. Serino advised the march organization committee consists of five local men, including himself, Pastor Jerry Clemmer from Souderton Mennonite Church, Pastor John Niederhaus from Leidy's U.C.C., Pastor Jim Camlin from Montgomery Baptist Church, Dennis Ulstead from Cheltenham Baptist Church, and Pastor Chris Gardner, who is the head of the facilities committee. Pastor Gardner explained the committee has chosen the site location because of it's prominence in being on the Bucks and Montgomery County lines, in the hopes of drawing those communities together. Through discussions with representatives of Telford Borough, and among themselves, Pastor Gardner noted they have proposed a slight change in the original parade route. The march would still take place on County Line Road, however it would go around in a circle and come back to the Souderton High School. For those not familiar with the parade route, Paster Gardner presented a sketch showing the proposed changes. The original route was proposed to go from Souderton High School on the Hilltown side, along County Line Road, and up Church Road into the area located behind the Landis Market parking lot. This was a distance of approximately 1 1/2 miles. The committee has looked at alternatives such as marching down County Line Road to Reliance

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Road, returning up School Road, and then up Central Ave. to get back to the point of origination. Pastor Gardner does not believe that will affect Hilltown Township very much. It is his understanding that 4 hours of police protection will be provided. The committee is seeking police and fire police to close down County Line Road at Rt. 113, and to close down Chestnut at County Line Road from approximately 1:00PM to 5:00PM. The gathering time is scheduled for 1:00PM to 2:00PM, which is when the participants will enter through County Line Road to the field at Souderton High School. At 2:15PM, the event will be simulcast over the radio and the march will begin. The last group of participants will arrive back at the meeting site at 3:30PM. Due to the structuring of the march, with groups of 200, the committee will have strict control of how fast the march is moving and when it will be arriving at the various intersections. The committee is expecting approximately 2,000 to 2,500 marchers. Originally, 3,000 to 5,000 marchers were expected, but the event has been scaled down since that time. There will be a 45 minute rally at the Souderton High School field, and then, for the next 45 minutes, there will be distribution of marchers to the various parking areas. As long as everything goes according to schedule, the committee expects to have the entire area cleared by 5:00PM. Pastor Gardner noted they are willing to pay any costs incurred by Hilltown Township for police and fire police protection. The date of this proposed event is June 12, 1993.

Chairman Bennett asked if "March for Jesus" was originally scheduled to take place in another community. Pastor Gardner replied it was first proposed to take place in Lansdale Borough, however there has been a Rotary Club event held yearly on that same date in the past. Chairman Bennett commented that traffic is brutal, particularly on Saturdays, in the area where the "March for Jesus" is proposed to be held. In a sense, Supervisor Bennington noted, County Line Road will be inaccessible for four hours on a busy Saturday afternoon. Pastor Gardner believes one lane of County Line Road could be left open, with the cooperation of the police department, however from 2:00PM to 3:30PM, the roadway would have to be closed completely to facilitate the march itself. Between 3:30PM and 4:15PM, the road could again be opened, depending on how difficult it would be to re-close it again. Following the march, from approximately 4:15PM to 5:00PM, shuttle busses would be carrying the marchers to various parking locations. Possibly one lane of County Line Road could be opened during that time, at the police department's discretion. Supervisor Bennington advised there are many ramifications involved with a march of this magnitude, including fire police, police overtime, as well as considerable Saturday afternoon traffic.

Originally, Chief George Egly explained, it was Hilltown's intention to utilize School Lane for the bypass around County Line

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Road. The change in parade route now involves Souderton Borough because School Lane and portions of Central Avenue are located within Souderton Borough. Chief Egly advised he would have had to bring Souderton Borough into the plans anyway, because he cannot place officers or fire police within Souderton Borough to direct traffic without their authorization. Chief Egly stated he is not against any march, no matter what it is for, however as the Chief of Police and the Director of Public Safety for Hilltown Township, he is concerned about the magnitude of this march. Chief Egly explained Act 122 of 1991 requires the training of fire police to comply with this Act, and if the fire police do not have the specific training, they cannot direct traffic. Act 122 was mentioned at the last Fire Panel meeting by the chief or president of Souderton Fire Department who recently completed this training himself, for the first time since the Act has been in effect. Most of the area fire police do not have this required training. Also, each municipality the fire police member is from would have to sign a cooperative agreement with the municipality they will be working in. Chief Egly noted the home fire company supplying the fire police does not sign this agreement, but rather it must be signed by the governing body where the home fire company is located. Another requirement would be a letter from that municipality's Workmen's Compensation carrier guaranteeing coverage for that particular fire police member. Further, it is Chief Egly's concern that the one million dollar liability insurance coverage does not specify that it is "per incident". Chief Egly believes the Board would require that Hilltown Township be named as a co-insured in that policy. One million dollars today does not go very far towards a major injury.

Chief Egly noted Hilltown Township would be the largest police department of the three which will be involved in this parade. Rev. Serino and Pastor Gardner have both previously stated that police protection will only be needed between the hours of 1:00PM and 5:00PM, however Chief Egly advised officers will have to be on the scene, and be prepared between the hours of 12:00 Noon and 6:00PM. If the Board of Supervisors go along with this request, Chief Egly suggests County Line Road not be re-opened until the event is over. Saturday traffic in that area is terrible, not to mention the fact that they will be dealing with two separate counties and three different police departments. Chief Egly will have to meet with the two other police departments to discuss which roadway to re-route traffic on now that the parade route has been revised.

Supervisor Fox asked if consideration has been given to how the residents of Meadow Glen, Summit Ridge, and Centennial Ridge will enter and exit their developments. Supervisor Fox noted 25% of Hilltown Township's population live in that particular area. Chief Egly commented the only way those residents would be able to get

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out would be through Reliance Road onto old Rt. 309. Supervisor Fox felt it would be very difficult to gain access to old Rt. 309 because there is no traffic light at that location, and believes more officers would be needed to direct traffic at that intersection as well.

Chief Egly has spoken to a member of the Philadelphia Police Department who heads the unit that organizes these types of event for the city, who said four months notice is required in order to coordinate such a huge event. Chief Egly felt it will be very difficult to coordinate and plan for the "March for Jesus" on such short notice. Supervisor Bennington asked if fire police will be utilized in place of police officers. Chief Egly replied at least four regular police officers, as well as fire police, would be required. Supervisor Bennington asked Chief Egly's recommendation regarding this matter. If all the requirements outlined above can be met, and if the Board of Supervisor's agree with this request, Chief Egly will have to go along with the proposal, even though he believes an event of this magnitude will put a strain on his police department and the area itself. Solicitor Grabowski felt Chief Egly has touched upon every single issue that requires thought by the Board of Supervisors, and agreed that his concerns were well founded.

Chief Egly asked what prompted the change in the parade route. Pastor Gardner replied the route was changed mainly due to the "red tape" their committee has been put through, which has cut down on the amount of time they have had to plan for the logistics of such an event. Rev. Serino commented Mayor Stover had suggested several alternate routes including Rt. 309.

Rev. Serino lives on County Line Road, drives it often, and is well aware of the amount of traffic on that road. He believes "March for Jesus" can be done, especially with the alternate route that has been proposed. Chief Egly is not saying it can't be done, however he feels there will be many very irate drivers if County Line Road is closed for the afternoon.

In terms of fire police, Pastor Gardner feels Telford Borough will be experiencing the most problems with the "paper chase" involved. Hilltown Township's portion of the event will require approximately 4 fire police for traffic control. Rev. Serino advised Telford Borough is aware of their responsibilities, but they are concerned about the approval being granted from Hilltown Township for their responsibility of the gathering site. Telford Borough has assumed the responsibility of the entire parade route.

Supervisor Bennington asked if the owners of the businesses located along County Line Road which will be affected by the closing of that roadway have been notified and if they have granted their

approval. Rev. Serino replied Telford Borough did not tell him that it was a requirement to notify those business owners. Supervisor Bennington asked Rev. Serino if he would be concerned about losing six hours worth of business if he owned an establishment along County Line Road. Rev. Serino appreciates these comments, however at the same time, notifying business owners is a not a requirement for approval. Supervisor Bennington realizes that, however all the businesses along County Line Road will be affected by the road closing for six hours on a Saturday afternoon. The only business Rev. Serino has personally contacted is the gas station on the corner, whos owner plans on marching himself that day. Rev. Serino was concerned with Landis Supermarket because of the fact that the original gathering site would have been behind their store. Rev. Serino offered to contact the owners of the businesses located along County Line Road which may be affected by the "March for Jesus", if it is a requirement.

Chief Egly asked if he understood Pastor Gardner to say that Telford Borough will be handling the fire police situation. Pastor Gardner replied Telford Borough has agreed to handle the fire police needed for their portion of the parade route. Chief Egly quoted sections of a letter he received from Telford Borough, which states - "Final approval is subject to arrangements for sufficient fire police to supplement the Telford Police Department." .

With the change in parade route, Supervisor Bennington commented the municipalities affected will be Telford Borough, Souderton Borough, and Hilltown Township. Pastor Gardner spoke with Chief Heim of Pennridge Regional Police today, who advised he would be more than willing to supply an officer to assist Hilltown Township. Yesterday, Chief Egly heard a conflicting statement from Chief Heim, who told him that he has two officers on vacation that particular weekend, and all the remaining officers would be on duty around the clock.

Chairman Bennett foresees major problems, particularly with the matter of timing. Hilltown Township has 27 square miles of roadway, and Chairman Bennett asked if there are any possible alternative sites which could be offered for the "March for Jesus". Pastor Gardner felt it would be very difficult to change the site at this time. Chairman Bennett commented it appears the worst possible area for an event of this size has been chosen. Supervisor Fox is concerned about Hilltown Township's participation in this event. Between Rt. 309 bypass and County Line Road, there is a large population of Hilltown residents and if County Line Road is closed, Supervisor Fox wondered how those residents will be able to move in and out of their developments. Pastor Gardner advised Central Avenue will not be needed until 2:00PM, nor will it be needed after 3:30PM. There will be that bypass around School Lane except for the 1 1/2 hour time period when the parade is actually

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taking place. Chief Egly believes it will be longer than that because of the major problem of communications between the two counties. Montgomery County and Bucks County have two different radio systems. The fire police do not have any radio system, and therefore, the police can not communicate with them at all. The reason Chief Egly feels County Line Road should be shut down completely until after the march is over is that once traffic gets in there, they may refuse to move out. Chief Egly will not take the chance of traffic crossing between parade groups, because public safety is the main issue.

Rev. Serino does not believe any of the "headaches" involved in planning this event are impossible to solve. It is proposed to close County Line Road only at the Rt. 113/County Line Road intersection initially. That is the only section of roadway which will be closed for the entire six hour period. As far as the parade progression, Rev. Serino advised marchers will go in groups of 200, with spaces of 50 to 100 yards between each marching group. This would allow easy access for vehicles that need to get through, even after the parade has begun. Chief Egly does not believe that will work, because fire police will have to be stationed at the intersections prior to the beginning of the parade. Every road and possible outlet must be covered along the main parade route. Chief Egly asked how the various fire police and police will be informed that the parade has begun, and that the roadway will be shut down, knowing the communication problems involved. If necessary, Rev. Serino suggested a radio be placed at each intersection so that those controlling traffic will hear the beginning of the parade via simulcast. Chief Egly felt this would not be the solution, and stated communications should be set up among all those involved in the event of a problem.

Supervisor Bennington wished to clarify that Hilltown Township is not opposed to the issue of "March for Jesus", nor are we trying to be confrontational, however there are many ramifications involved in protecting not only Hilltown Township residents, but the parade participants as well.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to table this issue, until it can be discussed with Souderton Borough and Telford Borough.

Rev. Serino felt it was a good idea to table the issue, because he believes Chief Egly raised some issues that could be worked out if the other police chiefs involved could discuss them together. Rev. Serino is not appreciative of some of Chief Egly's comments this evening, when he has heard different statements from Chief Bickel. Apparently, Chief Egly replied, Chief Bickel has told him something different than he has told Rev. Serino and Pastor Gardner. Personally, Chief Egly is not against this march in any way, shape

or form, however it appears to be taxing three small communities and may cause more harm than good. Chief Egly must think of the public safety first.

*Chairman Bennett called a 15 minute recess at 9:00PM to excuse the student representatives, and thanked them for running such a successful meeting. The meeting was called back to order at 9:25PM.

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

1. Bids Awards - The single bid received for the lawn mower was opened on Friday, April 23, 1993. A bid was received from Lawn and Golf Supply Company in the amount of \$40,590.00.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept the bid from Lawn and Golf Supply Company for the lawn mower, as specified.

2. Mr. Horrocks presented ten escrow releases for the Board's authorization, four of which are cash held by the Township:

Hilltown Meadows Phase II	Voucher #02	\$	1,500.00
Hilltown Meadows Phase II	Voucher #03	\$	105.10
Our Lady of Sacred Heart Church	Voucher #01	\$	788.80
Hager Subdivision	Voucher #06	\$	459.35
Country Roads Phase I	Voucher #05	\$	795.95
Country Roads Phase I	Voucher #06	\$	13,995.00
Country Roads Phase I	Voucher #07	\$	11,000.00
Deerfield	Voucher #35	\$	27,373.14
Stone Subdivision	Voucher #08	\$	100.65
Stone Subdivision	Voucher #09	\$	3,060.08

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize release of the ten escrows as listed above.

3. An inspection of Spin-A-Round Skating Center has taken place, and during that inspection, Mr. Applegate discovered twelve different items of concern. Apparently, the establishment is being sold. Mr. Horrocks is seeking direction from the Board on how to proceed. Prior to a Certificate of Occupancy, Mr. Horrocks asked if the applicant should be required to correct the twelve different items. Chairman Bennett felt that they should. Supervisor Bennington asked if the Bucks County Fire Marshall could do an inspection. Mr. Horrocks replied that there is a Bucks County Fire Marshall, and his inspection could be another step in the process.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize an official inspection

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by the Bucks County Fire Marshall of the Spin-A-Round Skating Center.

4. Mr. Horrocks requested the Board's consideration to establish a policy dealing with employees. Basically, Mr. Horrocks would like the policy to state that any employee of Hilltown Township shall not be paid overtime for attendance at a Township public meeting, unless requested to attend said meeting by the employee's department supervisor, the Township Manager, or the Board of Supervisors. In other words, if the employee volunteers attendance, overtime would not be compensated. If either the employee's supervisor, the Township Manager or the Board of Supervisors request that individual to attend a public meeting, and if in fact they are eligible for overtime, the employee would be paid.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to establish policy stating that any employee of Hilltown Township shall not be paid overtime for attendance at a Township public meeting, unless requested to attend said meeting by the employee's department supervisor, the Township Manager or the Board of Supervisors.

H. CORRESPONDENCE - Bruce G. Horrocks, Township Manager -

1. Correspondence has been received from Pennsylvania Emergency Management Agency stating they have received the application and supporting documentation for reimbursement during the blizzard of 1993. This information has now been forwarded to the federal government for their review.

2. A letter has been received from Mr. and Mrs. Jacobini of Thistle Lane regarding their swimming pool and the fence between the pool and the home itself. On June 22, 1992, the Board established a policy stating that if the Township received a letter from the owner holding the Township harmless, the requirement for the fence between the home and the pool would be waived. Hilltown Township has received such a letter from the Jacobini family, and Mr. Horrocks would like to know if the Supervisors wish to continue that policy.

Supervisor Fox repeated the statement he originally made at the time this issue was brought before the Board. Supervisor Fox explained there are two different sets of rules the Township follows - the BOCA Code and the Hilltown Township Zoning Ordinance. The Zoning Ordinance takes precedence and requires that a swimming pool should be surrounded by a fence. If the Board wishes to change this requirement, they should, however Supervisor Fox feels the whole purpose of that requirement is to save the lives of children. At present, the Ordinance is not being followed and the

BOCA Code is not being followed. Supervisor Fox does not understand why residents who installed pool and followed the Ordinance requirements should be made to do that, when others who object do not have to follow those same requirements. Supervisor Fox believes the Supervisors should either allow every one not to have a fence, unless they wish to do so of their own accord, or make everyone follow the Ordinance by erecting a fence to surround the swimming pool. Supervisor Fox remembers statistics which were discussed last year, showing that 92% of all children that drowned were either visiting the home or lived in the home where they drowned. Therefore, the idea of a fence is not to keep neighborhood children out, but rather to protect young children who may live in the home or who visit the home. Supervisor Fox feels that if the Board is going to allow residents who protest the meaning of the Ordinance, then they should allow everyone, on their own conscience, to do it. This requirement for fencing is in the Zoning Ordinance and is a Zoning regulation. Since it is in the Zoning Ordinance, Supervisor Fox feels this issue should go to the Zoning Hearing Board. If the Supervisors intend on allowing people to get away with not erecting a fence, then the Zoning Ordinance and the BOCA Code should be changed to reflect that.

Supervisor Bennington believes that if the Code Enforcement Officer is enforcing the BOCA Code in a situation such as this, then it is up to the Board of Supervisors to make the determination, not the Zoning Hearing Board. Supervisor Bennington has as much concern for young children as Supervisor Fox does, however he feels it is the responsibility of the homeowner to protect children from entering the pool area from the house, if the house is being utilized as the fourth side of the fence, and the other three sides are enclosed with a 4 ft. high fence. In addition, Supervisor Bennington advised the Jacobini family has sent a letter stating they will hold the Township harmless from any liability, and will be considering the installation of pool/door alarms, which Supervisor Bennington intends to require and enforce. This will effectively eliminate free access to the swimming pool area from the house. This is the motion Supervisor Bennington made previously, and is the motion he will make at this time as well.

Motion was made by Supervisor Fox to suspend the BOCA Code and to change the Zoning Ordinance as soon as possible. Supervisor Fox felt the selective enforcement of the Zoning Ordinance was not proper. Chairman Bennett advised there is already a motion on the floor, which was made previously by Supervisor Bennington. Chairman Bennett visited the site personally several days ago, and he agrees with the statements made earlier by Supervisor Bennington.

Chairman Bennett seconded Supervisor Bennington's original motion. Supervisor Fox was opposed and voted nay.

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Supervisor Fox made a motion to suspend the Zoning Ordinance and the BOCA Code, since the Supervisors do not follow it, except selectively.

If the Supervisors agree to totally suspend the Zoning Ordinance and the BOCA Code, Chairman Bennett asked how will it apply to any future situations. Solicitor Grabowski replied if the BOCA Code and the Zoning Ordinance are suspended, it will not apply to any future situations. Chairman Bennett is inclined to agree with Supervisor Fox, except that he would rather study and change the Zoning laws, if necessary, and then suspend it prior to enacting a new Ordinance. Solicitor Grabowski noted that is certainly a prerogative that makes some sense. Chairman Bennett felt the Township has some protection against liability as long as the Zoning Ordinance is in effect, even though it does not please Supervisor Fox as it is written.

There was no second to Supervisor Fox's motion, and Chairman Bennett stated the motion fails due to timing.

3. Notice has been received from Gro-N-Sell, granting the Township an extension until May 30, 1993, and they have asked to be placed on the agenda at the Board's May 24, 1993 meeting.

I. PLANNING - Mr. C. Robert Wynn, Township Engineer -

1. Hunsberger/Garis (Preliminary) - This plan proposes an eleven lot subdivision located on Cherry Road and Cherry Lane. There are ten proposed building lots, with Lot #11 consisting of an existing single family dwelling. Mr. Wynn explained the development includes construction of a cul-de-sac street which will be 26 ft. in width with curbing. There is a wetland area along the western side of the property which also abuts the Light Industrial Zoning District.

There is a retention basin proposed on Lot #1 and significant landscaping will be included along the Industrial Zoning District, as well as street trees proposed along the internal roadway and the existing roadway.

The site is proposed to be serviced for public sewer by the Hilltown Township Water and Sewer Authority, and public water by the North Penn Water Authority. Lot #11 is currently served by public water, and will also be served by public sewer.

Access to the site is via the curve on Cherry Lane. Due to the restricted sight distance for the westbound traffic on Cherry Lane, there will be a two-way stop intersection at the proposed roadway and Cherry Lane. All traffic exiting the proposed cul-de-sac street will have a stop sign and all cars making left turns onto

the proposed street will also have a stop sign. Through traffic on Cherry Lane will not be required to stop. There are no improvements proposed along the existing public roadways of Cherry Lane or Cherry Road, with the exception of improvements at the intersection.

This plan was recommended for preliminary plan approval by the Planning Commission, subject to a number of conditions. The first condition is that in lieu of the installation of cartway widening, curb and sidewalk along the existing roadways, and the sidewalk along the internal roadway, the applicant has agreed to make a contribution to the Hilltown Township Park and Recreation Board. Mr. Wynn explained the exact nature of that contribution has not yet been determined, however it is being discussed by the Park and Recreation Board. Tentatively, there is a proposal to install a backstop and benches at the Civic park.

Other conditions to be met include the approval of erosion and sedimentation control measures by the Bucks County Conservation District, Planning Module approval for the proposed sewer by DER, approval by the Hilltown Township Water and Sewer Authority, approval for public water connections and design by the North Penn Water Authority, approval by the servicing fire department relative to the location of fire hydrants and types of hydrants to be installed, and execution of a Maintenance Agreement for the retention basin and easement for emergency access.

The street names are subject to approval by the Board of Supervisors. The names suggested by the applicant are Canton Court or Clarion Drive. Supervisor Bennington recalled the woman who was before the Board earlier this year, asking that the new entrance to Pleasant Meadows be named Schmidt Lane after her father, who once owned that property. Supervisor Bennington wondered if it would be a possibility to name the street in this proposed development Schmidt Lane. Supervisor Fox did not feel the developments were located close enough to each other to warrant naming the street Schmidt Lane. The Board agreed on Clarion Drive as the name for the street in this proposed development.

Mr. Wynn noted the street trees need to be finally coordinated with PP&L, and there is an Escrow Agreement required for the installation of all public improvements. There is a storm sewer line being installed between Lots #6 and #7 to divert some of the flow which is currently coming down to the existing development on Cherry Road and Cherry Drive, to the retention basin. All of the information needed to verify this must be noted on the plan.

Chairman Bennett asked the sizes of the proposed lots. Mr. Wynn replied they are all 50,000 sq. ft. or larger. Chairman Bennett wondered what these homes might sell for. Mr. Garis believes they

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will be priced at approximately \$180,000.00.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant preliminary approval to the Hunsberger/Garis Subdivision, with the conditions as specified by the Planning Commission, and the street name to be noted as Clarion Drive.

2. Pizza Hut - Preliminary - Mr. Wynn advised this plan was originally submitted in August of 1992. Since that time, there have been no revised plans submitted, and the latest extension will expire before the Board's next meeting. The Planning Commission has recommended that the plan be denied unless an extension is received by the expiration date of May 14, 1993. The reason for the denial is based upon the initial engineering review, dated August 31, 1992, which listed a number of deficiencies with the submission.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to deny the Pizza Hut preliminary plan, unless an extension is received by May 14, 1993.

3. Blooming Glen Quarry Maintenance Building Land Development (Preliminary) - Mr. Wynn noted this plan proposes construction of a new 16' by 90' building, replacing two existing buildings which are to be torn down. The proposed building will be used for maintenance and storage, as well as an on-site laboratory. Because of the nature of the proposal, being a replacement of two antiquated buildings, Mr. Wynn stated the applicant has requested numerous waivers to the normal land development process, such as improving public streets, location of all the features on the site, etc. This Board has received a copy of those waiver requests, which were recommended for approval by the Planning Commission two months ago. At their last meeting, the Planning Commission recommended that the proposal to construct a maintenance building be approved as a preliminary plan, subject to only a few conditions. These conditions include that the Bucks County Conservation District either approve the erosion and sedimentation control measures for the site, or indicate, in writing, that it is not required. Mr. Wynn noted this is a bit different from a normal construction site because the quarry operates under an erosion and sedimentation control plan filed with the Bureau of Mines, as opposed to the Bucks County Conservation District. Because of that permit, the applicant may not need another approval by the Bucks County Conservation District.

Currently, there is a septic system serving the existing buildings for the employee's bathroom facilities, and the connection to that septic system will be modified. Modifications of the septic system connection requires approval by the Bucks County Health Department.

The remaining three items are all drafting type items. One is that the plan indicates that the topographic benchmark is based on the Bucks County Sewer Authority data, however the benchmark indicated on the plan is a manhole of the Hilltown Township Water and Sewer Authority. Therefore there is either a typographical error on the notes, or there needs to be an additional clarification. The two other items include the location map which must be revised to identify Hayhouse Road, and the tax parcel number is listed on the plan incorrectly. There is no proposal to increase employees or to modify the access to the site at this point.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to grant preliminary approval to the Blooming Glen Quarry Maintenance Building plan, with the conditions as specified by the Planning Commission and Mr. Wynn's engineering review.

J. ENGINEERING - Mr. C. R. Wynn, Township Engineer -

1. Reliance Road/Bethlehem Pike Intersection - With regard to the Reliance Road/Bethlehem Pike intersection, Mr. Wynn stated the Township has received PennDot approval (dated March 29, 1993) for installation of the traffic signal at that location. With that approval, the Board may recall that the entire cost of the traffic light is the responsibility of BFI. At this time, with the Board's authorization, Mr. Wynn would like to direct BFI to secure a contractor to commence installation of that traffic signal.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to provide BFI with the approval letter and a copy of the condition diagram, and direct them to secure a contractor for installation of said traffic light.

2. Deerfield Subdivision - The Township has received correspondence from Mr. Harry Hassan of Deerfield Subdivision, as well as a copy of the letter from Richard Toll of Prime Savings Bank. Mr. Hassan is requesting 60 days to complete the improvements in that development. The time frame actually expires tomorrow, however Mr. Hassan would like 60 additional days to complete public improvements and some other items for the Water and Sewer Authority. The Authority is requiring Mr. Hassan to complete those items 30 days before paving. The letter from Prime Savings Bank indicates it will serve as authorization to extend the irrevocable letter of credit for 60 days, which coincides with the 60 day extension granted by Mr. Hassan.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to accept and authorize the 60 day extension to Mr. Harry Hassan of Deerfield Subdivision, so that the improvements can be completed.

3. Bridle Run Subdivision - Mr. Wynn noted the latest extension expires May 1, 1993. Correspondence has been received from Mr. Kenneth Longacre, co-owner of H & K Development, indicating that due to poor economic conditions, the applicant does not anticipate completing the remaining work at Bridle Run Subdivision by May 1, 1993, and is requesting an additional 18 months to complete the improvements. In that development there are five occupied homes and one sample home.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to agree to another 18 month extension to complete public improvements for the Bridle Run Subdivision.

4. Country Roads Development - Mr. Wynn presented an agreement with PP&L for the Country Roads Development, which is located on Rt. 152, South Perkasio Road, and Telegraph Road. This agreement provides for the installation of twelve street lights, which includes the street lights in all four phases. Phase I is currently under construction. The agreement provides for the installation of twelve victorian fixtures, which is the same type of fixture located within the Pines of Pennridge across the street from the school on Fifth Street. The annual increase in cost for the twelve lights is \$2,136.12, once they are installed, and there is also a surcharge of \$598.80 for the fixture. One of the Escrow Releases the Board approved this evening includes money to pay Hilltown Township \$598.80, plus \$2,136.12, representing the initial installation and one year of lighting by the developer. This agreement will provide for the installation of the lights, the cost of the first year, and the surcharge cost, all to be paid by the developer.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to authorize acceptance of the agreement with PennDot, as specified above.

5. Linens for Signature - Stoltz Subdivision

6. Nob Hill Subdivision - Solicitor Grabowski explained the Nob Hill Subdivision lies for the most part in Perkasio Borough. The back portion of two cul-de-sacs are located in Hilltown Township, by a very minuscule amount. with approximately 10 - 12 ft. of paving actually located within Hilltown. When the project was in the planning stage, Hilltown Township took the position that since 99.9% of the project was in Perkasio Borough, the planning and approval process should be entirely that of Perkasio Borough, which was accomplished. Now it is time to dedicate the streets of that development. Perkasio Borough's solicitor asked Solicitor Grabowski what Hilltown Township's position on those streets might be, and it has been determined that Perkasio Borough may own streets located within another municipality. Perkasio Borough is

requesting a letter of verification from Hilltown Township stating that they do not have a problem with Perkasio Borough taking dedication of the streets within the Nob Hill Subdivision. Solicitor Grabowski discussed this matter with Mr. Wynn, who agrees with this decision from an engineering standpoint. Mr. Wynn feels this suggestion makes sense due to the lay out of the street, and the fact that Perkasio Borough is presently maintaining those streets. While it is not actually required of the Board to take official action, Solicitor Grabowski noted Perkasio Borough has requested a verification letter from Hilltown Township. The Board directed Mr. Horrocks to draft such a letter to Perkasio Borough.

K. RESIDENT'S COMMENTS -

1. Mr. Bill Godek thanked Mr. Horrocks for supplying the tax parcel numbers for the H & K Quarry sites.

Mr. Godek asked the status of the traffic feasibility and traffic impact study for the quarry. With the weather problems in recent weeks, Chairman Bennett doubts those studies have been started yet. Mr. Horrocks does not believe the issue has gone before the Planning Commission yet. Also, the Police Department hasn't begun the traffic study because this is still not their busy season. Mr. Godek asked the difference between the traffic impact study and the feasibility study. Mr. Horrocks commented that was something the Board of Supervisors authorized. Supervisor Fox believes the Supervisors were just interested in one study - how much traffic is in the area that exists at present, and how much traffic is in the area the quarry may go to, and what the impact may be on that new area. Mr. Horrocks believes the Board was suggesting that the police department conduct the traffic study, and then those results would be taken to the Planning Commission for their review. Mr. Horrocks does not recall anything going beyond the Planning Commission.

Mr. Godek asked for an update on the Miley property. The Board and Mr. Wynn have not heard anything concerning that site for quite some time. Supervisor Bennington believes Mr. Miley was in the process of attempting to sell that property.

Mr. Godek understands there is a five minute maximum speaking time limit for Confirmed Appointments during Supervisor's meetings. Mr. Godek noted that the first Confirmed Appointment this evening spoke for approximately 19 minutes, and the second Confirmed Appointment spoke for approximately 46 minutes. Mr. Godek feels there was a conspicuous absence of any clock being mentioned after four minutes. Supervisor Bennington replied the Board had requested the report that was made by Niessen, Dunlap and Pritchard this evening. The Township paid \$9,000.00 for the audit, and a report from that firm was expected by the Board. Chairman Bennett commented the

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primary purpose of the five minute maximum speaking time limit is to eliminate repetitive types of questions and comments. Mr. Godek asked if it is then selective, at the discretion of the Board. Supervisor Bennington replied it is not selective, he himself requested information from the police chief and the solicitor regarding March for Jesus, to be sure the Board had the proper information. In essence, Mr. Horrocks advised, the time limit for speaking is selective at the discretion of the Board of Supervisors, which is what he believes the agenda states.

2. Mr. John Snyder stated for the past two years, he and Supervisor Fox have not agreed on many things, however there is one issue he totally agrees with him on which was mentioned earlier this evening. When reviewing and updating the Zoning Ordinance, Mr. Snyder feels there is a need to specify requirements for swimming pools. Personally, Mr. Snyder believes there should be a separate fence around a swimming pool, over and above utilizing the house as one of the four sides of the fence.

L. SUPERVISOR'S COMMENTS -

1. Supervisor Bennington questioned the status of the Stop Work Order which was issued to Mr. Carbone. Mr. Horrocks replied that was the property located on Keystone Drive, where the entire house was gutted.

2. At a previous meeting, Supervisor Fox noted, discussion took place regarding legal ramifications of smoking in government buildings. Even though that law has existed since 1988, the Board has not enforced it. Now, with all the other major government agencies being concerned about secondary smoke and it's possible harmful effects, these government agencies are going to stop smoking in public buildings 100%. In the past, these agencies provided smoking areas in their buildings. Some members of this Board have previously stated that they doubted such a law existed. Supervisor Fox presented a copy of the law - Act 1988-168 - which speaks of public meetings, all meetings open to the public pursuant to the Act of July 3, 1986, Public Law 388, #84 known as the "Sunshine Act". Public place, meaning either of the following: an enclosed indoor area owned or operated by a state or local government, and used by the general public, or served as a place of work for public employees, or a meeting place for public body, including office, educational facilities, health facilities, auditorium, meeting room, public conveyance. With that, Supervisor Fox feels the Board should go on record, and make a motion to adopt this law, which has been in effect since 1988. Motion was made by Supervisor Fox to adopt those parts of Act 1988-168 which he mentioned above.

Supervisor Bennington asked if Supervisor Fox is proposing to make the Hilltown Township Municipal Building a totally smoke free building. Supervisor Fox commented he is saying that the law has existed, but others have chosen to pick specific rooms or room for people to smoke. Now, with the secondary smoke problem which has come about, all the other municipalities he has read about have required that if any one were to smoke, they must now step outside the building to do so. With the possibility, in the future, of some legal ramifications concerning secondary smoke, Supervisor Fox would think that if this law is not obeyed, members of this Board may be held liable.

Before seconding Supervisor Fox's motion, Supervisor Bennington commented he does not smoke, he has never smoked, and he has a real problem inhaling other people's smoke. However he does not wish to dictate to others what his feelings are.

As a smoker, Chairman Bennett feels "secondary smoke" is just plain nonsense. This issue reminds him of the cranberry scare our country experienced many years ago, when some government official told the public you could get cancer from eating cranberries. This statement nearly ruined the cranberry industry. Chairman Bennett noted there is one industry after another, and one food after another, that is constantly in the news, with reports that it will harm you in some way. Chairman Bennett felt it was ridiculous, and this is how he looks upon secondary smoke. Supervisor Fox believes the issue was whether the Board members would be liable, as individuals, and not covered by insurance, since the law states that you may not smoke in public buildings.

Supervisor Bennington noted page 1319, Section 15-1 of this act, which states "This Act shall preempt and supercede any local ordinance or rule". Therefore, Supervisor Bennington advised, any motion the Board passes would be superceded by this law anyway. Supervisor Bennington felt the motion should be revised to state that Hilltown Township will follow the guidelines of Act 1988-168.

Even though there is a blanket exemption at the end of this Act, Solicitor Grabowski commented, some municipalities have adopted resolutions by which they have defined what a "public place" means to them. Some school districts, for example, have asked their municipalities to authorize their police department to actually go on to school district property to enforce no smoking regulations. Other municipalities, some of which Solicitor Grabowski's office represents, have taken the definition of "public place" and defined it in terms of their public facilities. Some municipalities feel the definition of "public place" is vague to the extent of whether it encompasses an entire building or whether smoking can be limited to certain areas within a building. There are some municipalities who have limited smoking areas, and others have, as a policy

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decision, enforced no smoking anywhere within the building. Therefore, Solicitor Grabowski feels, it is a matter of interpretation by each individual municipality. It is currently a State Act, and is now a question of how this Board wishes to adopt it, and if the Board wants the police department to enforce it. If this no smoking policy is going to be adopted, Supervisor Fox felt it must be done by a motion, since Hilltown Township is not following this mandated Act at present. Supervisor Fox also noted that the ventilation system in this building runs through the entire building. Each room does not ventilate separately to the outside.

Chairman Bennett asked how this Act will be enforced, and whether this Board will ask the police department to enforce a no smoking policy. Supervisor Fox feels it can easily be enforced if the Board wishes to enforce it. If anyone is caught smoking within the building, then a penalty should be applied. Chairman Bennett asked if the State Act calls for penalties. Supervisor Fox replied the imposed fine is \$50.00 for each time someone is caught smoking in a public building.

Again, Supervisor Fox made a motion to follow Act 1988-168. Supervisor Bennington seconded that motion. Chairman Bennett abstained from the vote. Motion passed.

3. Supervisor Fox noticed in the newspaper that children from John M. Grasse Elementary School will be visiting the White House to receive an award because their school ranks high in the country. Supervisor Fox congratulated and commended John M. Grasse Elementary School students and faculty on this honor.

4. On April 21, 1993, Chairman Bennett mentioned an editorial in the Intelligencer calling attention to the new State Game Commission regulations which allows small game hunting with a .22 calibre rifle. This editorial came out strongly against it, and there is apparently one other Township who was strongly opposed to it as well. Chairman Bennett can not understand how, in this area that is growing so rapidly, this can be allowed. Chairman Bennett feels this Board should go on record with the Game Commission, stating that we object and are strongly opposed to this new regulation.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to alert the State Game Commission that the Hilltown Township Board of Supervisors is totally opposed to this particular legislation, as stated above. Mr. Horrocks will send notification to our legislature.

M. PRESS CONFERENCE - A conference was held to answer questions of those reporters present.

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N. ADJOURNMENT - Upon motion by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously, the April 26, 1993 Board of Supervisor's meeting adjourned at 10:35PM.

Respectfully submitted,



Lynda Seimes
Township Secretary