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**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED PUBLIC MEETING
Monday, July 8, 1991
7:30PM**

The meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr. at 7:35PM and opened with the Pledge of Allegiance.

Also present were: Betty J. Kelly, Vice-Chairperson
Kenneth B. Bennington, Supervisor
John Rice, Township Solicitor
George Egly, Chief of Police
Eric Applegate, Bldg. Insp./Zoning Officer
Maria Gerhart, Recording Secretary

Chairman Bennett requested a moment of silent prayer for Mr. Kenneth Lannan, Township Auditor, who recently passed away, and for Mr. Alan Peterson, Township arbitor in the latest police negotiations, who was killed in a plane crash this past Saturday.

Chairman Bennett announced the Board of Supervisors met in Executive Session from prior to this meeting to discuss pending legal and personnel matters.

A. APPROVAL OF MINUTES:

Motion was made by Supervisor Kelly, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the June 24, 1991 Board of Supervisor's meeting, as written.

B. APPROVAL OF CURRENT BILLING:

Chairman Bennett presented the bills for payment dated July 10, 1991. The total of the regular accounts payable is \$39,741.92.

In addition, there was a semi-annual payment from the Fire Protection Fund to the seven fire companies totalling \$42,600.00, and a State Highway Aid payment totalling \$2,590.13. The grand total of all bills payable is \$85,622.05. The Fire Protection Fund payment comes from a special fund, not from the General Fund, therefore, the actual bills payable totalled \$43,022.05.

Supervisor Bennington mentioned the bill from the News Herald in the amount of \$44.04 to advertise the amended Cable TV Ordinance which was to have been paid for by Suburban Cable. Solicitor Rice advised whatever costs were incurred regarding the amended Cable TV Ordinance will be itemized and presented to Suburban Cable for payment.

Motion was made by Supervisor Kelly, seconded by Supervisor Bennington and carried unanimously to pay all bills when due, except for the bill from News Herald in the amount of \$44.04.

C. TREASURER'S REPORT: Chairman Bennett briefed on the Treasurer's Report for mid-year, as of June 28, 1991:

General Fund Checking Account:

End of Month Balance - \$210,494.48

(includes \$100,000.00 from the Tax Anticipation Note which must be paid by year's end).

Payroll Checking Account:

End of Month Balance - \$142.78

Fire Fund Checking Account:

End of Month Balance - \$103,639.29

Debt Service Investment/Checking Account:

End of Month Balance - \$85,767.55

State Highway Aid Checking Account:

End of Month Balance - \$137,520.70

Escrow Fund - Public Works:

End of Month Balance - \$80,000.00

Builder's Escrow Fund:

End of Month Balance - \$13,512.46

Motion was made by Supervisor Kelly, seconded by Supervisor Bennington and carried unanimously to accept the Treasurer's Report, subject to audit.

D. RESIDENT'S COMMENTS ON AGENDA ITEMS ONLY:

1. Mr. Jack Fox, Chairman of the Planning Commission, felt a communication problem exists between the Board of Supervisors and the Planning Commission regarding the Mandatory Sewer Connection Ordinance, which is scheduled for consideration and possible adoption at this meeting.

Chairman Bennett asked Mr. Fox to state his views at the hearing for adoption of the Mandatory Sewer Connection Ordinance which is scheduled to take place at 8:30PM this evening.

E. CONFIRMED APPOINTMENTS: None.

F. MANAGER'S REPORT:

1. Chairman Bennett presented the lone bid proposal for four new Police Vehicles which was received from A & T Chevrolet. The amount of the bid submitted for four vehicles was \$65,240.00. Chairman Bennett anticipates delivery of the first two vehicles to be late September or early October of this year, with the remaining two cars arriving within the following 30 days.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to accept the bid from A & T Chevrolet in the amount of \$65,240.00 for the four police vehicles.

2. Chairman Bennett presented the following Escrow Releases, which are all letters of credit, for approval:

| | | |
|-------------------------|-------------|--------------|
| Sterling Knoll II | Voucher #38 | \$ 16,548.50 |
| Sterling Knoll II | Voucher #39 | \$ 274.14 |
| Lotier Land Development | Voucher #06 | \$ 3,672.00 |
| Lotier Land Development | Voucher #07 | \$ 773.58 |

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to release the four letters of credit listed above.

3. Chairman Bennett called attention to the new trees which have been planted around the Municipal Building. Seventeen trees were donated to the Township and planted by Toth Brothers.

4. Chairman Bennett advised of Hilltown Township Police taking over police protection for Silverdale Borough. Supervisor Bennington and Chairman Bennett attended a Silverdale Borough meeting on July 1, 1991 and the contract has been approved. An Ordinance to this effect has been advertised and is expected to be reviewed for acceptance at a special meeting to be held on Wednesday, July 10, 1991 at the Hilltown Township Municipal Building.

Initially, the contract is valid for an 18 month period of time. Chairman Bennett explained Chief Egly has been working on this issue for some time. The Board of Supervisors, along with Chief Egly, feels it will be beneficial for both communities and will generate extra income for Hilltown Township.

5. Chairman Bennett commented revenues are up and the Township is ahead of schedule for the first six months of this year, however he is still personally concerned about receipt of revenues for the remainder of the year. Notice was recently received from Bucks County that there are 111 properties liened in Hilltown Township for non-payment of back taxes. There is also a second list of 44 properties facing possible liens, although the resident's on the second list have until September to avoid lien procedures. These numbers are substantially higher than we have seen in previous years, according to the Tax Collector, Mrs. Florence Simons.

G. DIRECTOR OF PUBLIC WORKS REPORT - Mr. Thomas Buzby
Due to Mr. Buzby's absence, Supervisor Bennington read the Public Works Report for May 19, 1991 through June 29, 1991, which is on file at the Township Building.

H. POLICE CHIEF'S REPORT - Mr. George Egly -

Chief Egly read the Police Report for June, 1991, which is on file at the Township Building.

I. BUILDING INSPECTOR/ZONING OFFICER'S REPORT - Mr. Eric Applegate

Mr. Applegate read the Building Inspector/Zoning Officer's Report for the month of June, 1991, which is on file at the Township Building.

J. SOLICITOR'S REPORT - Mr. John Rice

1. Mr. Rice presented items relating to the Stoneycrest Subdivision, which is located partially in Hilltown Township and partially in Perkasio Borough. The first item is a one page agreement permitting Perkasio Borough Authority to provide Water and Sewer service to that development. The development takes access off Walnut Street in Perkasio Borough.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to accept the Water and Sewer consent agreement with Perkasio Borough for Stoneycrest Subdivision.

2. Mr. Rice also presented an agreement between Perkasio Borough and Hilltown Township for street maintenance within Stoneycrest Subdivision. Since access is taken from within Perkasio Borough, the terms of the agreement between Perkasio and Hilltown are that Perkasio Borough shall be responsible for the removal of snow and ice only, and Hilltown Township, in turn, will pay Perkasio Borough four times the current annual rate established by PennDot. Mr. Rice noted for the Board of Supervisors that both the Township Engineer, Mr. Wynn, and the Director of Public Works, Mr. Buzby, have been involved in the negotiations and the setting of the terms of this agreement. There is approximately .35 lane miles located in Hilltown Township within the Stoneycrest Subdivision which consists of two cul-de-sac streets. The agreement with those terms, would last from year to year with the provision that if either party is unhappy with the terms, there is a 90 day notice period to terminate the contract. Hilltown Township would still be responsible in the event the roads would have to be repaired or reconstructed.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to adopt the agreement between Perkasio Borough and Hilltown Township for street maintenance within Stoneycrest Subdivision.

3. Mr. Rice reported on a decision reached in the Timothy Browning/Ivan Jurin vs. Hilltown Township Zoning Hearing Board case from the Commonwealth Court. The Commonwealth Court affirmed the decision of Judge Garb which had agreed with the decision of the local Zoning Hearing Board in all respects. The date of the order is July 8, 1991. If the applicants wish to appeal, they would then have to appear before the Pennsylvania Supreme Court.

K. RESIDENT'S COMMENTS:

1. Mr. Bob Frick, president of the Philadelphia Glider Council announced the club celebrated their 50th anniversary this past weekend. Mr. Frick would like to publicly express appreciation to the Township and it's residents for their cooperation and support over the years.

L. SUPERVISOR'S COMMENTS:

1. Chairman Bennett commented Mr. Earl Smith, a resident, advised the Souderton Shopping Center parking area was being restriped and repainted, and a number of guard rails would be discarded unless the Township was interested in having them. Mr. Buzby, Director of Public Works, was able to use all of the guard rails, worth approximately \$250.00. Chairman Bennett expressed thanks for Mr. Smith's kind gesture by calling this matter to the Township's attention.

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

N. TEMPORARY ADJOURNMENT: Chairman Bennett announced the regularly scheduled meeting of the Hilltown Township Board of Supervisors would adjourn at 8:05PM and reconvene at 8:15PM to conduct the advertised hearing for consideration of adoption of the Mandatory Sewer Connection Ordinance.

O. HEARING FOR ADOPTION OF MANDATORY SEWER CONNECTION ORDINANCE:

The meeting of the Hilltown Township Board of Supervisors reconvened at 8:20PM for the hearing for consideration of adoption of the Mandatory Sewer Connection Ordinance which was advertised in the Perkasie News Herald on June 26, 1991.

Solicitor Rice explained the proposed Ordinance would regulate connections to the public sewage systems, require a permit to connect to the public sewage system, provide for rules and regulations; and prescribe penalties for violations. The proposed Ordinance was requested for adoption by the Chalfont-New Britain Sewer Authority for an update of the existing Sewer Connection Ordinance. Ordinance #77-3, the existing Sewer Connection Ordinance, only pertains to the Hilltown Township Water and Sewer Authority. The proposed Ordinance would address any Authority that would have sewer lines within Hilltown Township, as far as new or mandatory connections. This would govern not only mandatory connections, but also any new buildings that would wish to connect.

Supervisor Bennington stated normally when a sewer line crosses 150 ft. from a property line, the Authority will offer a

financial break to the property owner due to the monetary hardship involved. The proposed Ordinance does not address this issue nor would it allow the property owners that could be affected by a mandatory sewer connection to Chalfont-New Britain Authority, etc. to receive a break on the financing. Supervisor Bennington wondered if any discussion has taken place between the Hilltown Township Water and Sewer Authority and other Authorities to assist property owners who would be burdened by this financial hardship by allowing some type of financing over a four year period. Solicitor Rice advised quite a few of the homeowners both in New Britain Township and in Hilltown Township recently received financial help to pay their bill through federal funding. The property owners who did not qualify and were faced with an approximate \$8,000.00 bill, were given favorable financing over a number of years.

Solicitor Rice explained for every extension to be mandatorily accepted, they must individually appear before the Board of Supervisors for their approval. This is a Hilltown Township Ordinance, it is not something that could be enforced by any Authority, including Hilltown Township's own Water and Sewer Authority.

Mr. Jack Fox, Chairman of the Planning Commission, commented his concern is not with the content of the Ordinance, but rather his concern is that the Ordinance cannot stand by itself and the Enabling Ordinances should not be followed when a Zoning Ordinance exists. Mr. Fox read portions of Act 170 which state that the Zoning Ordinance and Comprehensive Plan succeed the Enabling Ordinances. Enabling Ordinances existed for many years for those rural communities which did not have Zoning Ordinances. Solicitor Rice advised any municipality that has not adopted their own Zoning Ordinance, would then be controlled by the County Ordinance in that municipality. Mr. Fox stated Hilltown Township's present Zoning Ordinance, Subdivision and Land Development Ordinance, and Comprehensive Plan currently address sewers.

Mr. Fox felt the most important issue was that under the law, throughout Act 170, it states "Amendments to the Subdivision/Land Development Ordinance shall become effective only after a public hearing held pursuant to public notice in a manner prescribed for the enactment of a proposed Ordinance by this Article. In addition, in case the amendment other than that prepared by the Planning Agency, the governing body shall submit each such amendment to the Planning Agency for recommendations atleast thirty days prior to the hearing, on a fixed date". Mr. Fox stated the Planning Commission did not receive copies of the proposed Mandatory Sewer Connection Ordinance until last week, so therefore, the Planning Agency has not had time to review it. Mr. Fox explained reference to this proposed Ordinance is already contained within the Zoning Ordinance under "Sanitary Sewers", and it is also referenced in the Comprehensive Plan.

Solicitor Rice felt Mr. Fox was making a big assumption that the proposed Mandatory Sewer Connection Ordinance is either a Subdivision/Land Development Ordinance or a Zoning Ordinance, when in fact, it is neither. It is a specific provision within the Second Class Township Code which deals with Mandatory Sewer Connection Ordinances and the procedure to be followed once it is adopted. Discussion took place between Mr. Fox and Solicitor Rice.

Motion was made by Supervisor Bennington, seconded by Supervisor Kelly and carried unanimously to adopt Ordinance #91-4 for Mandatory Sewer Connection.

P. PRESS CONFERENCE: A press conference was held to answer questions of those reporters present regarding the previously adopted Mandatory Sewer Connection Ordinance.

Q. ADJOURNMENT: There being no further business, a motion for adjournment of the Hilltown Township Board of Supervisor's meeting of July 8, 1991 was made by Supervisor Kelly, seconded by Supervisor Bennington and carried unanimously at 8:50PM.

Respectfully submitted,

Lynda Seimes

Lynda Seimes
Assistant Township Secretary
(*These minutes were transcribed from recordings and notes taken by Mrs. Maria Gerhart, Recording Secretary).

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C. ROBERT WYNN ASSOCIATES, INC.

Consulting Engineering
111 West Broad Street
Haverhill, PA 18951

(215) 536-7547
(215) 536-7336

Memo To: Hilltown Township
From: C. Robert Wynn
Subject: Escrow Release Summary
Date: July 2, 1991

1. Sterling Knoll II - Voucher No. 38 dated June 28, 1991 in the amount of \$16,548.50 for installation of post lamps, sidewalk, aprons, street trees, erosion control and storm sewer.
2. Sterling Knoll II - Voucher No. 39 dated July 1, 1991 in the amount of \$274.14 for const. obs./esc. admin. for the period from 6/1/91 thru 6/30/91.
3. Lotier Land Development - Voucher No. 6 dated June 28, 1991 in the amount of \$3,672.00 for roadway, filter barrier, inlet, endwall, trees and ROW restoration.
4. Lotier Land Development - Voucher No. 7 dated July 2, 1991 in the amount of \$773.58 for const. obs./esc. admin. for the period from 1/1/91 thru 6/30/91.