

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
REGULARLY SCHEDULED MEETING  
Monday, November 25, 1996  
7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr. at 7:38PM and opened with the Pledge of Allegiance.

Also present were: Jack C. Fox, Supervisor  
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

In honor of former Supervisor Betty J. Kelly, who passed away Saturday, November 23, 1996, Chairman Bennett asked for a moment of silence. Chairman Bennett advised Mrs. Kelly served as Hilltown Township Supervisor from 1986 until 1992.

Mr. John Gerner of the News Herald has covered Township meetings since 1982 at the former municipal building in Blooming Glen. Mrs. Kelly was elected in 1985, and it was discovered in 1986 that she suffered from throat cancer. Mrs. Kelly was operated on and endured radiation therapy in 1986, yet she very proudly stated that she had only missed one Township meeting due to her illness. Mr. Gerner recalls seeing Mrs. Kelly approximately six weeks ago when she came to the News Herald office with her son Jack. Mr. Gerner visited with Mrs. Kelly at the time, who was, as usual, warm and friendly, and more concerned about his health than her own. Mrs. Kelly told Mr. Gerner that she had come to say goodbye because she had realized how serious her the situation was.

Mrs. Kelly was not a typical Supervisor and Mr. Gerner noted that she tended to break the rules, if she knew the rules at all. It was quite common for Mrs. Kelly, in the middle of a meeting, to acknowledge any latecomers. There were also times when conventional methods did not seem to be the answer to a problem, so Betty took it upon herself to solve a problem by whatever means possible. Mrs. Kelly would consult with the Township Manager, the Township Engineer, the Township Solicitor, or the Chief of Police in a sincere effort to resolve whatever issue might arise. Several years ago, there was an occasion when the Board of Supervisors held a clandestine meeting in this Township building. Mrs. Kelly was responsible for locking the back door, however she did not check the locks and a newspaper reporter walked in on the meeting. Later, Mr. Gerner reminded Mrs. Kelly that she had committed a sin of omission, and she had promised that she would never do it again. To the best of Mr. Gerner's knowledge, she never did.

Mr. Gerner stated Mrs. Kelly was a kind, friendly woman who was very proud of her family, especially her "boys" as she called her

five sons. Mrs. Kelly belonged to numerous civic and community organizations and she took her responsibilities very, very seriously.

Mr. Gerner noted that when members of a fire company are memorialized, a special honor is given by devoting one entire page of the minutes to that person, listing only their name, date of birth and date of death, date of service, and a copy of the obituary. Mr. Gerner suggested this be done in honor of Mrs. Kelly. The Board was in agreement.

Chairman Bennett explained that he and Mrs. Kelly were reasonably good friends and neighbors for many, many years, since their properties adjoined each other. Chairman Bennett's five children were approximately the same age as Mrs. Kelly's children, and they had virtually grown up together. Mrs. Kelly and Chairman Bennett had a falling out in 1987 when he declared his candidacy for Supervisor, however they both served amicably on the Board together for a number of years. Chairman Bennett agreed that Mrs. Kelly was a very dedicated public figure who served on many civic, charitable, and community committees.

Calling hours for Mrs. Kelly will be held at Hilltown Baptist Church on Wednesday, November 27, 1996 from 9:00AM to 11:00AM, with a memorial service beginning at 11:00AM.

Chairman Bennett announced Supervisor Bennington would not be in attendance this evening, as he was out of town on business.

A. APPROVAL OF MINUTES: Action on the minutes of the October 28, 1996 Board of Supervisors Meeting: Motion was made by Supervisor Fox, seconded by Chairman Bennett, and carried unanimously to approve the minutes of October 28, 1996, as submitted.

Action on the minutes of the November 11, 1996 Worksession Meeting: Motion was made by Supervisor Fox, seconded by Chairman Bennett, and carried unanimously to approve the minutes of the November 11, 1996 Worksession meeting, as submitted.

B. APPROVAL OF CURRENT BILLING: Chairman Bennett presented the Bills List dated November 26, 1996 with General Fund payments in the amount of \$51,472.24, State Highway Aid payments in the amount of \$1,560.32, and Escrow Fund payments in the amount of \$500.00; for a grand total of all funds in the amount of \$53,532.56.

Motion was made by Supervisor Fox, seconded by Chairman Bennett, and carried unanimously to approve the Bills List dated November 26, 1996, subject to audit.

C. RESIDENT'S COMMENTS ON CONFIRMED APPOINTMENTS ONLY: None.

D. CONFIRMED APPOINTMENTS:

1. Ms. Stephanie Nichols - Green Meadows Association - Ms. Nichols was not in attendance at this time.

2. Mr. Anthony Galardi - Election Day - Mr. Galardi wished to address comments made by Mrs. Jean Bolger at the November 11, 1996 Worksession Meeting with regard to the November election. Mr. Galardi stated the accusations made by Mrs. Bolger towards him were incorrect and untrue. Mr. Galardi made it very clear that he is not a worker or a representative from Republican Headquarters in Doylestown, nor is he a resident of Bucks County, contrary to what Mrs. Bolger has stated. A few reasons Mr. Galardi was involved in defeating the referendum question is because he directly pays Penridge School District taxes through a small, commercial property owned jointly by his father, brother and himself. Mr. Galardi has family who live in Hilltown Township who are extremely concerned about rising school taxes. Mr. Galardi feels the Board of Supervisors behaved irresponsibly by asking the taxpayers to pay such a long term debt without having a plan in place. As Supervisor Bennington had previously stated "No other municipality passed an open space bond issue without a plan - does that make it right?" It is Mr. Galardi's dream to one day move into Hilltown Township, however it is not affordable because school taxes are too high.

Mr. Galardi wished to address what he said to voters on Election Day at the Blooming Glen I and II polling place. As voters entered the building, Mr. Galardi simply asked them if they were aware that there was a referendum question on the ballot, and if not, he pointed out a copy of the question and the explanation of that question, which was posted on the door. Basically, Mr. Galardi explained he did nothing more than point to the referendum question and the explanation, and explained that the expense is approximately 8 mills of a tax increase. This information was public knowledge. Mr. Galardi told voters that one of the Supervisors' main goals by placing this question on the ballot was to control school taxes, however he did not believe that was correct. Mr. Galardi believes conservation of open space is a good idea, however he told voters that he believed the Supervisors were going about this issue in the wrong way. Mr. Galardi stated he did not harass any voters and noted the only time he spoke loudly was when the line of voters was serpentine through the lobby and out the door. At no time during that entire day did anyone tell Mr. Galardi that he was out of line. To the contrary, the thanks he received from voters for informing them of the question, was enormous. Therefore, Mr. Galardi feels he did more to inform taxpayers about something that would affect their lives for up to 30 years, than their own committee people and the Board of Supervisors did.

In conclusion, Mr. Galardi believes open space should be preserved and agrees with Mr. Grunmeier that all municipalities within the Pennridge School district should work together to devise a plan to protect open space to be used as a means of controlling school taxes.

Supervisor Fox noted Mr. Galardi quoted Supervisor Bennington as saying that none of the other municipalities passed an open space referendum question without a firm plan in place. Supervisor Fox advised that statement is incorrect. Supervisor Fox explained no other municipality had a plan firmly in place before a referendum question was passed, not even the County. Chairman Bennett commented one of his personal objections to the open space referendum question was that there was no plan in place, to which Supervisor Bennington advised that no other municipality who passed the referendum question had a plan either. Mr. Galardi agreed, and apologized for his incorrect statement.

Chairman Bennett contacted the Board of Elections following the November election to determine whether or not it is permissible for non-residents of the Township to be present at the polls on Election Day. More specifically, Chairman Bennett inquired as to whether non-residents are permitted at the polls with regard to a Township issue, rather than a County or State issue. Chairman Bennett was told by a representative of the Board of Elections that there are no restrictions on non-residents, except that they can not actually go inside the polls.

2. Mr. Jack Hetherington - Water and Sewer Authority Eminent Domain - Mr. Hetherington of Hilltown Pike received a phone call from a real estate appraiser several days ago, questioning the 13 1/2 acre field across the street from his home. The real estate appraiser told Mr. Hetherington that the Hilltown Township Water and Sewer Authority filed eminent domain proceedings in September to condemn that land in order to construct a water tank. Mr. Hetherington noted the Board of Supervisors discussed the importance of open space for a year, yet this condemnation has been permitted. Mr. Hetherington challenged the Board of Supervisors to put into action what they have been telling residents is their concern for open space. Mr. Hetherington obtained a copy of the Notice of Taking from the courthouse which was filed by the Authority's solicitor, Mr. Grabowski. Apparently, the purpose of this condemnation is to provide lands for the Hilltown Township Water and Sewer Authority to install a public water treatment distribution system, a water storage tank, and other pertinent facilities. When Mr. Hetherington's wife and some neighbors attended the last Authority meeting to make inquiries, they were treated disrespectfully and rudely, which Mr. Hetherington felt was very inappropriate. Mr. Hetherington consulted with an engineer and found that the Authority is proposing a 93 ft. tall water tank

which will contain a million gallons of water. According to Mr. Hetherington's engineer, this tank will be 42 feet in diameter, and will have a water weight of 4,175 tons, with a p.s.i. of 40 pounds at the base. This tank will be large enough to fill and run a 12 inch main, which could account for the development of this entire Township.

In February of 1996, the Township Manager presented plans prepared by the Water and Sewer Authority to the Park and Recreation Board for their consideration. The plan at that time was to construct the water tank on the Civic Field Park property. Mr. Hetherington noted the minutes of that meeting state "No adverse comments received." The next step, according to the Authority, was to present plans to the Planning Commission for their review, however for some reason, the site at the Civic Park was discarded. According to the next meeting minutes, there was discussion about running 12 inch lines and the needs of the new school, as well as the needs of providing water service to the John Grasse School. While the Supervisors were pushing to preserve open space, it appears to Mr. Hetherington that the Authority is considering turning Hilltown Township into another Montgomeryville, by placing the same type of water tank right in the middle of the village of Hilltown. Mr. Hetherington advised the Zoning Ordinance states the Village Center is to be preserved, and that the development is to have a facade that fits in with predominant historic architecture of the area in order to preserve the character of the historic villages. Mr. Hetherington feels the proposal by the Authority will destroy Hilltown village, and the entire Township as well.

This evening, Mr. Hetherington received a site comparison from Mr. Groff, manager of the Authority, showing seven different site proposals, all within the village of Hilltown. There may be legitimate water needs, however Mr. Hetherington feels there are several other more appropriate sites to construct a water tank, including the Civic Park, the Hilltown Fire Company, or the gliderport property. Mr. Hetherington wants to know what the Board of Supervisors intends to do about this issue.

Chairman Bennett stated the Board of Supervisors is certainly aware that the Water and Sewer Authority has been researching sites to construct a water tank. Until approximately 10 days ago, Chairman Bennett was not aware that the site Mr. Hetherington is speaking of was condemned by the Authority. As recently as 30 to 60 days ago, Chairman Bennett thought it had been decided that the water tank site would be located on Mill Road on the Marinucci property. Chairman Bennett is certain that the Authority has the power of eminent domain, as does the Township. Further, Chairman Bennett noted the Board of Supervisors appoints members to the Water and Sewer Authority board, however the Board of Supervisors does not dictate to them, they are an independent Authority.

With due respect, Mr. Hetherington stated the Water and Sewer Authority is not independent of the Board of Supervisor's governing body. The Township created the Water and Sewer Authority, and Mr. Hetherington feels the Supervisors should be controlling it. The Supervisors have the power to disband the Authority if it finds it acting inappropriately or if it is no longer needed. Mr. Hetherington has proof from the Water and Sewer Authority minutes that the Board directed Mr. Horrocks, Township Manager, to attend the Authority meetings all year long in order to provide information to the Board of Supervisors. Mr. Hetherington challenged Chairman Bennett's statement that he was not aware of the Authority's eminent domain proceedings against this particular piece of property. It was the Supervisors who told the Authority in March that they were reluctant to use the land next to the Civic Park. Mr. Hetherington feels the Board of Supervisors sent the Authority away from Township property, thereby forcing them to consider private property for construction of the water tank. Mr. Hetherington feels the Supervisors are responsible for this condemnation, and noted the taxpayers elect the Board of Supervisors to look out for their best interests, not the Water and Sewer Authority members.

Chairman Bennett wished to correct the record on the point that he merely stated he was not aware of the eminent domain proceeding on the property Mr. Hetherington is speaking of. Mr. Hetherington noted the Water and Sewer Authority told his wife that eminent domain proceedings are a matter of public record, and wondered why the Board of Supervisors were not aware of these proceedings. Chairman Bennett replied this matter was at the discretion of the Hilltown Township Water and Sewer Authority. The Supervisors concurred that water was needed in the Village Center, and they were aware of the possible locations mentioned earlier by Mr. Hetherington.

Mr. Jim Groff, Operations Manager of the Hilltown Township Water and Sewer Authority, introduced Mr. John Bender, a member of the Authority. Mr. Groff advised it was not the Authority's original intent to acquire the property through eminent domain. The property in question was for sale and listed with a realtor. The Authority Board offered full price for the property, though the owner did not agree that the price offered was sufficient. The only alternative, other than filing for eminent domain, was for the Authority to sue the owner. The most economic way for the Authority to obtain that property was to file for eminent domain.

Mr. Groff advised the approximate height of the water tank is proposed at 93 feet, though at this point, all engineering is not totally complete. An appropriate height will be determined to provide for the maximum fire protection and pressure to domestic customers. Mr. Groff disagreed with the comment made by Mr.

Hetherington that the amount of water proposed will be used to supply the entire Township. The reason water storage is proposed is to provide for adequate fire protection to serve Sterling Knoll, Country Roads, and other areas of high density. The Authority will determine the best suitable height to serve the residents of Hilltown Township by a gravity feed system, if at all possible.

Mr. Groff noted it is not the intent of the Authority to be a proponent of development in the area, since zoning is what controls development. As to the statement that water makes it economically more feasible to develop, Mr. Groff disagreed. It is the Zoning Ordinance that determines what can or cannot be built in certain districts of the Township.

With respect to Mr. Hetherington's comment concerning the Montgomeryville water tank, Mr. Groff explained the type of tank proposed by the Authority is a ground tank which will not be elevated.

Mr. John Bender of the Hilltown Township Water and Sewer Authority was present at the November Authority meeting where Mr. Hetherington's wife and neighboring property owners questioned the eminent domain proceedings. Though he was not in direct dialogue with any of those residents, to the best of Mr. Bender's recollection, no one was treated with disrespect. If it did appear that the Authority Board members were rude and disrespectful to the residents, Mr. Bender sincerely apologized for their actions. If anything, Mr. Bender believes the Authority members are frustrated with the time pressure and the lack of a suitable water tank site. Mr. Bender stated no disrespect was meant for Mrs. Hetherington or anyone else. Mr. Bender feels the residents present were very eloquent and very polite, making many good points and asking intelligent questions. Mr. Bender does recall the statement that the eminent domain proceedings were a matter of public record and that legal documents had been filed concerning the eminent domain. If offense was taken by the residents who attended that meeting, Mr. Bender apologized on behalf of the Authority Board members.

Mr. Hetherington understood Mr. Groff to say that the intense development district must be served for water, and he realizes several fire companies have expressed concern about hydrant pressure from the Authority wells. If the Authority has concluded that it is appropriate to make the Hilltown village or any other village district in this Township subservient to municipal utility uses, Mr. Hetherington believes they are wrong. Mr. Hetherington suggested the Authority should have more carefully reviewed the Zoning and Subdivision/Land Development Ordinances since this type of water utility is considered a conditional use in the VC Zoning District. Mr. Hetherington agreed that the Authority is just attempting to do their job, which was created by the Board of

Supervisors in 1975 and again in 1980, and feels this matter is the sole responsibility of the Board of Supervisors.

Mr. Groff advised the parcel in the village of Hilltown is zoned two ways, with the front portion zoned VC and the rear portion zoned RR. According to the Zoning Ordinance, municipal uses are permitted on Rural Residential zoned properties. The reason for considering placement of the water tank on that property is due to the elevation of the site. The highest point of the Township is within the VC Zoning District, and the reason the Authority has chosen that site is to be able to serve with gravity. There were also comments made concerning placement of a building on that property, which had been discussed by the Authority, however Mr. Groff noted no formal presentation has been made to the Board of Supervisors. Other uses discussed for the remainder of that property include donating it to the Township for open space, and also allowing the Sacred Heart School to use a portion of the property as athletic fields. Another contributing factor is that there is a dry sprinkler system in the Sacred Heart School, which could be charged with the placement of the water tank on the neighboring site. This would lower the school's insurance rates.

Supervisor Fox commented the property in question is zoned VC on the first 400 ft. of the property, however utilities are permitted in any zoning district in the Township. Other types of facilities, such as storage buildings or office buildings would not be permitted on the property the water tank is constructed on. Supervisor Fox wishes, however, there was a suitable location outside the village of Hilltown, which is a historic district. The construction of a water tank on that property will interfere with Comprehensive Plan and Zoning Ordinance requirements. Supervisor Fox stated he was unaware, until approximately one month ago, that the Marinucci site was no longer being considered.

Supervisor Fox supports a majority of the members of the Water and Sewer Authority Board, who are capable, hardworking individuals, but he does not necessarily believe there is a reason for Authorities at this time. Supervisor Fox would be willing to dissolve the charter of the Water and Sewer Authority. He feels it should remain as it is, however the Board of Supervisors should retain a layer of control.

There is no question in Supervisor Fox's mind that the Township needs the water and agreed that a tank must be constructed somewhere. No matter where placement of the water tank is ultimately decided, it will affect someone's property, perhaps lowering their property values or affecting the aesthetic value of the area. Many years ago, the former Authority Manager, Mr. Wynkoop, advised the proposed water tank would be constructed near the village of Hilltown, preferably on the three acres the Township



then owned which was not part of the Civic Association property. At the time, Mr. Wynkoop believed the height of the water tank would be approximately 30 ft. which would provide adequate water pressure throughout the Township. Supervisor Fox was agreeable to that site since the existing trees in the area were 70 ft. tall and that size of proposed tank would be unobtrusive. That was the last Supervisor Fox heard on the subject until he witnessed test borings being drilled in an area that he assumed extra parking for the tennis courts was to be constructed. At that time, Supervisor Fox discovered the water tank was now being proposed at 79 ft. in height and he did not understand the explanation given for the extra height of the water tank. Supervisor Fox is very concerned that the height of the tank is now being proposed at 93 feet.

Mr. Groff stated that a million gallon water tank which is 50 ft. tall, will have only approximately 20 lbs. of pressure at the base. It takes 23 ft. of water to produce 10 lbs. of pressure. D.E.P. requires a minimum of 25 lbs. of pressure in a single family dwelling. The Authority is hoping to avoid placing booster pump systems in each resident's home, which could cost a great deal of money to the taxpayers. The higher the tank, the more pressure available at the base of the tank. Mr. Groff reminded the Board that the water has to flow to the second floor of a dwelling. If the Authority was to construct a 35 ft. high water tank, there would be less pressure at the base than what D.E.P. requires, which means any homeowner connecting at that elevation would need a booster pump system in order to provide water pressure to their home. Supervisor Fox asked why the water pressure could not be placed in the top of the water tank. Mr. Groff replied that would create a hydropneumatic tank which is a restrained air tank. Discussion took place concerning the need for pressure reducing valves required for the water as it travels through the lines down the hill. Mr. Groff explained as the water travels down the hill, elevation is being gained, and will be used to increase the water pressure. This is why a pressure reducing valve would be used to carry the water down the hill towards South Perkasio Road.

Mr. John Strauss of 1945 Hilltown Pike has no desire to connect to public water. When the water flows down Rt. 152 to Rt. 113, Mr. Strauss wondered how much pressure would be available at that point. Mr. Strauss believes that would be a 60 ft. drop in elevation, which works out to 2.3 lbs. of pressure per foot, and in his opinion, would certainly be more than enough pressure to service a five or six story building. Mr. Strauss feels the Supervisors should place a referendum question on the ballot to determine what the residents of the village of Hilltown think about this proposal. Mr. Strauss does not disagree that there is a water problem in Hilltown Township, however he feels the Authority is going about solving this problem in the wrong way. Mr. Strauss commented Mr. Weidner, a member of the Hilltown Authority, is

presently constructing a development near the area of South Perkasio Road, and believes that is why the Authority is making this proposal. Mr. Groff disagreed and explained Mr. Weidner's proposed development is not located in the Hilltown Authority's service district. Mr. Strauss asked if the Hilltown Authority will be in a cooperative effort with Telford and Perkasio. Mr. Groff replied that they are. Mr. Strauss noted that eventually some of the water from the proposed water tank will be reaching Mr. Weidner's development. Mr. Groff explained the only reason for municipal interconnections is so that if any Authority's tank goes down, the another Authority can float the downed system until it can be repaired. D.E.P. looks favorably upon municipal interconnects for this very reason.

Mr. Horrocks suggested a meeting be scheduled with the Board of Supervisors, Hilltown Township Water and Sewer Authority Board members, and residents of the village of Hilltown for further discussion on this issue. Mr. Dave Sattelle agreed with this suggestion.

Mr. Hetherington commented the title to the 13 1/2 acres in the village of Hilltown has been transferred to the Water and Sewer Authority. Mr. Hetherington asked if the Board of Supervisors will direct Solicitor Grabowski to withdraw those papers, and if not, further discussion is pointless.

Mrs. Alice Kachline, who lives five miles from the village of Hilltown, stated she has no real personal interest in where the water tank will be placed. However, Mrs. Kachline does not understand why the water tank can not be constructed on the fire company property, where it would be hidden from view along Rt. 152. Chairman Bennett assured Mrs. Kachline that the site to the rear of the fire company will be further investigated. Mrs. Kachline stated it had previously been investigated, though that proposed site was suddenly discarded with no explanation.

Unless the Board of Supervisors stops the eminent domain proceedings on this parcel in the village of Hilltown, Mr. Hetherington commented the Hilltown Township Water and Sewer Authority has legal title to those 13 1/2 acres. Discussion took place concerning the eminent domain proceedings. Simplistically, Solicitor Grabowski stated, a title passes once a declaration of taking is filed with the Prothonatary and the Recorder of Deeds office in the County. However, Solicitor Grabowski noted the property owner has the right to contest the taking of the property. Further, the condemnor, whether it be an Authority or a municipality, has the right to relinquish the title to the former owners within one year. There are also many forms of compensation for the property to be considered, including real estate value, damages for improvements to the property, etc.. Solicitor

Grabowski explained the Hilltown Authority has filed a declaration of taking of the property owned by Mr. and Mrs. Bush. Mr. and Mrs. Bush have retained an attorney. As Mr. Groff previously stated, there was an original agreement of sale offered for the property, based upon a listing agreement that Mr. and Mrs. Bush had with a real estate firm located in Lansdale. The Authority offered full price for the property, but that offer was refused by the owners. Rather than pursue the agreement of sale through legal channels, the Authority decided to obtain the property through eminent domain proceedings. There is an understanding between the Hilltown Authority and Mr. Bush at this time, that Mr. and Mrs. Bush do have the right to contest the declaration for a period of time, during which discussion will take place concerning compensation for the property. If that is not resolved, the property owners have every right to contest taking of the property by way of preliminary objections. At this time, both the property owner and the Authority are having the property appraised.

Mr. Hetherington feels there is precedence in this Township, because when former Supervisor Barney Grunmeier was chairman, the Hilltown Authority condemned property on Fairhill Road, just off Rt. 152 for construction of this municipal building. The Authority then withdrew that condemnation because it was not considered appropriate. Mr. Hetherington contends that this proposal is also inappropriate. Chairman Bennett felt this matter is a nimby issue, since no matter where a water tank is proposed in Hilltown Township, some residents will be unhappy. Mr. Hetherington disagreed, and stated a water tank does not belong in the middle of the village of Hilltown.

Chairman Bennett called for a five minute recess at 8:50PM. The meeting reconvened at 9:00PM.

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

1. Mr. Horrocks presented ten escrow releases for the Board's consideration:

|                               |             |             |
|-------------------------------|-------------|-------------|
| Bricks Villa, Phase I         | Voucher #24 | \$ 357.37   |
| County Line Shopping Center   | Voucher #11 | \$ 85.56    |
| Country Roads Phase II        | Voucher #30 | \$ 243.58   |
| Country Roads Phases III & IV | Voucher #08 | \$52,947.00 |
| Country Roads Phases III & IV | Voucher #09 | \$ 7,421.50 |
| Hilltown Hunt                 | Voucher #21 | \$ 812.57   |
| Quiet Acres Mobile Home Park  | Voucher #21 | \$10,209.15 |
| Quiet Acres Mobile Home Park  | Voucher #22 | \$ 499.32   |
| St. Phillip's Orthodox Church | Voucher #01 | \$ 54.45    |
| St. Phillip's Orthodox Church | Voucher #02 | \$11,945.55 |

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

2. Mr. Horrocks advised the Zoning Hearing Board will hold a hearing on December 5, 1996. As the Township's acting Zoning Officer, Mr. Horrocks requested the Board authorize the Township Solicitor to represent the Township's interest for the Pileggi Zoning Hearing.

Since he believes the Township never seems to win any cases when represented by the Township Solicitor's office, Supervisor Fox recommended outside legal counsel be retained to represent the Township at the Pileggi zoning hearing. Discussion took place.

Motion was made by Supervisor Fox, seconded by Chairman Bennett, and carried unanimously to retain outside legal counsel, preferably Mr. Jack Hetherington, or in the event he is not available, Mr. Frank Buschman, to represent Hilltown Township at the Pileggi Zoning Hearing to be held on December 5, 1996.

3. Mr. Horrocks requested Board approval to advertise the proposed 1997 Budget, which he explained is not yet complete due to outstanding negotiation issues with the Police Department.

Motion was made by Supervisor Fox, seconded by Chairman Bennett, and carried unanimously to advertise the proposed 1997 budget for possible adoption at the December 23, 1996 Board of Supervisors meeting.

Chairman Bennett commented the proposed budget is 95% complete, and he believes there will be no Hilltown Township tax increase for 1997.

F. CORRESPONDENCE: None.

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

1. With regard to the Orchard Glen Subdivision, which is a 34 lot subdivision located on Orchard Road, Solicitor Grabowski is seeking Board approval to accept the Subdivision/Land Development Agreement and Financial Security Agreement for this development.

Motion was made by Supervisor Fox, seconded by Chairman Bennett, and carried unanimously to accept the Subdivision/Land Development Agreement and Financial Security Agreement for the Orchard Glen Subdivision.

Solicitor Grabowski presented an easement agreement for the right-

of-way of road frontage along Orchard Road and Hillcrest Road for the Orchard Glen Subdivision.

Motion was made by Supervisor Fox, seconded by Chairman Bennett, and carried unanimously **to adopt Resolution #96-34 to accept the declaration of easement for the right-of-way of road frontage along Orchard Road and Hillcrest Road for the Orchard Glen Subdivision.**

Solicitor Grabowski presented the Deed of Dedication for open space for the Orchard Glen Subdivision for the Board's consideration.

Motion was made by Supervisor Fox, seconded by Chairman Bennett, and carried unanimously **to adopt Resolution #96-35 to accept the open space for the Orchard Glen Subdivision and to adopt Resolution #96-36 to Declare Public Purpose for open space for the Orchard Glen Subdivision.**

2. Solicitor Grabowski advised the existing farmhouse located across the street from the Township building is part of the original Endslo property. The farmhouse is now owned by Mr. Craig Silbert and his wife, Karen Riley. Mr. Silbert was before the Board several months ago seeking an exemption from the original subdivision plan which required the demolition of the existing pumphouse. The Supervisors were willing to allow for the pumphouse to remain if Mr. Silbert and his wife would agree to indemnify the Township from any liability, should an incident occur as a result of the pumphouse remaining. Mr. Silbert and Ms. Riley have executed an appropriate Agreement of Indemnity, which is before the Board this evening for acceptance.

Motion was made by Supervisor Fox, seconded by Chairman Bennett, and carried unanimously to accept the letter of agreement of Mr. Silbert and Ms. Riley to allow for the continued location of the pumphouse, as specified above.

3. With regard to an ongoing zoning violation matter concerning a property located on Mill Road, Solicitor Grabowski explained the applicant had appeared before the Zoning Hearing Board for relief. The Zoning Hearing Board ruled against the applicant, yet certain violations on the property continue. The Township cited the property owners, and the matter appeared before District Justice Gaffney. Solicitor Grabowski presented a copy of the agreement the property owners are willing to abide by, which provides for compliance with the Zoning Ordinance by December 31, 1996. Further, the property owners have agreed to pay all court costs, Hilltown Township legal fees, and violation fees.

Supervisor Fox commented he is not happy with the deals being made with violators after they refuse to follow Township Ordinances, however in this particular circumstance, it appears it is the best

the Township can do.

Motion was made by Supervisor Fox, seconded by Chairman Bennett, and carried unanimously to accept the agreement, along with the \$1,550.00 fee from the Teeds.

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

1. Woolslager Subdivision (Final) - Mr. Wynn advised this is a lot line adjustment plan located at the intersection of Twinbrook Road and Callowhill Road. The Planning Commission unanimously recommended final approval, conditional upon the following:

- Concrete monuments must be installed at all changes in direction of the outboundary of the property and at all corners of lots where property markers/monuments do not currently exist.
- Parcel to be consolidated with adjoining lands of TMP #15-28-154 must be included in a new deed with a single outboundary description recorded at the Bucks County Courthouse.

Motion was made by Supervisor Fox, seconded by Chairman Bennett, and carried unanimously to grant final approval to the Woolslager Subdivision, pending completion of the outstanding conditions as noted above.

2. Marinucci Subdivision (Preliminary) - This preliminary subdivision located on Mill Road was unanimously recommended for denial by the Planning Commission for non-compliance with Zoning and Subdivision requirements. Mr. Wynn advised a 120 day extension was received on November 21, 1996. No action required.

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

1. Hilltown Hunt Stormwater Runoff - Mr. Wynn presented an update regarding stormwater run-off issues relating to the Hilltown Hunt Subdivision and detention basin. Mr. Wynn has been in discussions with the developer and the contractor in order to improve conditions by enlarging the basin and increasing control in the outlet of the basin. Mr. Wynn will meet with the developer tomorrow, and hopes to provide a proposal for the Supervisors by next week.

2. St. Phillips Church - Parking Lot - Part of the Board's approval of the St. Phillips Church expansion project was a requirement of a \$12,000.00 Letter of Credit to guarantee that within two years of occupancy of the church, the rear parking area

would be paved. Mr. Wynn advised paving has now been completed and the applicant has requested they be released from their Letter of Credit.

Motion was made by Supervisor Fox, seconded by Chairman Bennett, and carried unanimously to accept completion of the paving project for St. Phillips Church and to release their \$12,000.00 Letter of Credit.

J. LINENS FOR SIGNATURE:

1. Bearings and Drives (Jo-Meg Assoc.)

K. RESIDENT'S COMMENTS:

1. Mr. Hayes Ramsey of Hilltown Pike did not fully understand Solicitor Grabowski's explanation of the condemnation proceedings on the property targeted for construction of the water tank. Mr. Ramsey believes the Hilltown Water and Sewer Authority now holds title to that property by virtue of the filing of the condemnation. Mr. Ramsey understands that the remaining procedures left to be completed include the matter of negotiation of the price or the previous property owners could attempt to get that property back. Solicitor Grabowski replied that is correct.

Further, Mr. Ramsey felt it was ridiculous that Mr. Groff, the manager of the Authority, had to be interviewed by the Board of Supervisors this evening as to the status of this project. Mr. Ramsey believes there is absolutely no working relationship between the Board of Supervisors and the Hilltown Authority. Mr. Ramsey agrees with Mr. Hetherington that the Supervisors have the responsibility to resolve this matter, and stated the Authority exists under the charter provided to them by the Board of Supervisors. Mr. Ramsey feels the existence of the Authority board does not absolve the Board of Supervisors of their responsibility to represent the residents of Hilltown Township.

Mr. Ramsey can not recall attending a public meeting that was more condescending, more patronizing, more aloof, and more omnipotent in its presentation than the last Authority meeting which he attended. Mr. Ramsey specifically referred to the attitude of Mr. Scott Tagg, Mr. Frank Beck, and Mr. Ray Weidner. Mr. Ramsey suggested the Board of Supervisors demand that the Authority withdraw the eminent domain proceedings immediately until the Board of Supervisors more fully understands the status of the matter.

Chairman Bennett stated it is his intention to schedule a meeting with the Board of Supervisors and the Hilltown Authority within the next two weeks.

2. Mrs. Jean Bolger, who is a former Seidel Water Company customer, has a history with the Hilltown Authority. For years Mrs. Bolger has been unable to operate more than one source of water simultaneously in her home due to lack of pressure. Many years ago, Mr. Wynkoop installed two gauges in Mrs. Bolger's home, that shows the water pressure is normally 12 or 15 p.s.i. on a regular basis. Mrs. Bolger pays the same rates as those customers located on Audrey Lane, just down the street from her home, who are averaging 50 lbs. or more of pressure. She is very unhappy with the service provided by the Hilltown Authority, and agreed with statements made by Mr. Hetherington and Mr. Ramsey. Mrs. Bolger urged the Board of Supervisors to dissolve the Hilltown Township Water and Sewer Authority.

3. Mr. John Perritt, president of the Silverdale Fire Company, was in attendance to discuss the possibility of increased funding for the Silverdale Fire Company. Mr. Perritt provided the following summary: On April 4, 1996, Chief Stockert prepared an excellent report relating to the growth and development of the Silverdale coverage district, and a comparison of funding among the seven fire companies. Using this report and other data, Mr. Perritt advised that since 1986, ten developments have been constructed within the Silverdale district. Two of those developments consist of over 100 dwellings, and three of those developments consist of over 50 dwellings. Mr. Perritt wakes up each morning to the sound of bulldozers behind his home on Orchard Road for the construction of another development. Since 1993, Silverdale Fire Company's area alarms have doubled in Hilltown Township. There are as many or more, residential homes to provide fire protection for in the Silverdale coverage district, excluding Silverdale Borough, than the remaining six fire districts. Seventy percent of the Silverdale Fire Company's funding comes from Hilltown Township. While Silverdale Fire Company covers almost 80% of the combined areas of Hilltown's station 60 and 61, Mr. Perritt noted Silverdale receives only 33% of the funding that the Hilltown Fire Company currently receives. Mr. Perritt feels this is an inadequate distribution of funds, though it is not to say that Hilltown Fire Company may not need 100% or more of the funding they currently receive. In reports forwarded this month by Mr. Horrocks from the Fire Prevention Bureau meeting in October, all seven fire companies agreed that the current funding distribution should be changed, with a recommendation for distribution being made to the Board of Supervisors. Three meetings of the Fire Prevention Bureau were proposed for January, February, and March of 1997 for the seven presidents of the fire companies to jointly review and make a recommendation to the Board of Supervisors for a fair and equitable distribution of the 1997 funds. While reviewing the proposed 1997 budget during the next few weeks, Mr. Perritt hopes the Board has listened not only to Silverdale Fire Company's appeals, but to those of each and every fire company who services



Hilltown Township. While development provides an opportunity for families to realize their dreams, the burden to protect those dreams grows heavier on each volunteer fire company.

Mr. Horrocks commented the Fire Protection Bureau will be reviewing the fund distribution procedure during the first quarter of 1997. Mr. Horrocks reminded Mr. Perritt that when the Fire Fund Budget is approved in December, it does not necessarily reflect specific contributions. Supervisor Fox assured Mr. Perritt that each of the three Supervisors are unified over the issue of funding for the fire companies and hopes the matter of an equitable distribution can be rectified in 1997.

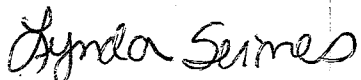
4. Mr. John Snyder advised all Zoning Hearing Board members have successfully completed three weeks of very informative training. Mr. Snyder will present a full report at the Board's last meeting in December. Supervisor Fox congratulated the members of the Zoning Hearing Board on their attendance at these classes.

L. SUPERVISOR'S COMMENTS: None.

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

N. ADJOURNMENT: Upon motion by Supervisor Fox, seconded by Chairman Bennett, and carried unanimously, the November 25, 1996 Board of Supervisors Meeting was adjourned at 9:55PM.

Respectfully submitted,



Lynda Seimes  
Township Secretary

## Betty Kelly, Former Hilltown Supervisor, Succumbs At 74

BY JOHN GERNER

IN MEMORY OF

BETTY J. KELLY

May 8, 1922 - November 30, 1996

Served as Hilltown Township Supervisor from January, 1986 through December, 1991

Services were held this morning for Betty Jean Kelly, 74, a former Hilltown Township supervisor who died at her home Saturday morning, Nov. 23, 1996 following an illness of several months.

Born in Albion, PA, she was a daughter of the late Frank and Mary K. Grube Brady.

She and her husband, John K. Kelly, celebrated their 49th wedding anniversary in August. A resident of Havertown, Delaware County, she moved to Hilltown Township in 1959.

She was a 1940 graduate of Havertown High School and worked for Bell Telephone Co. for several years. From 1975 to 1979, Kelly owned and operated the popular Frosty Cup on Bethlehem Pike near Souderton.

Betty Kelly was elected to the Hilltown Board of Supervisors in 1985. Shortly after taking office, she developed throat problems and had to undergo extensive therapy. She was proud of the fact she only missed one meeting during that illness.

She brought her own personal style to the office of supervisors. She would often wave to friends in the audience before meetings and understood when people were uneasy about appearing before the Board of Supervisors. She would say that she, too, was uncomfortable about speaking in public, but she was never shy about stating her opinions. Kelly thought government should serve the people and would go out of her way to hear complaints and get someone to take action.

Kelly had a good rapport with the press but when she took exception with something that was written, would call the reporter aside and speak her mind. The "scolding" was concluded with Kelly giving the reporter a big hug and saying "Nothing personal, dear."

She took a personal interest in the construction of the Hilltown Municipal Building from 1988 to 1989. Many features of the building bear her personal touch.

Following her retirement as a supervisor in 1991, Kelly was given a testimonial dinner with many office-holders paying tribute. Kelly had a lot of fun and laughed easily at comments directed her way. She found out that night she had many friends in all walks of life.

One of Kelly's closest friends was Kathy Babb, Haycock Township supervisor. The two women went to

a government conference in Harrisburg. They shared a room and during a long conversation, discovered Babb's mother was a childhood friend of Kelly.

Betty Kelly touched the lives of many people during her life. She was active in many civic organizations. She was a den mother with the Havertown and Hilltown Cub Scouts; she was the first President of the Parent Teacher Association of the Grasse Elementary School in Hilltown. She also served on the Penridge School District Music Association.

She was also active in politics, having served as a Republican Committee Woman for Hilltown Township for 14 years; first vice president of the North Penn Council of Republican Women, secretary to the Bucks County Park and Recreational Committee, Doylestown. She also served on the Penridge Republican Club and the Penridge-Quakertown area Solid Waste Committee.

Kelly also served various charitable organizations, serving as Chairwoman of the Upper Bucks American Heart Association; a volunteer for the American Cancer Society, and the Pearl S. Buck Foundation; and was past President of the Women's Auxiliary of the American Legion Post #214, Upper Darby.

In addition to her husband, Mrs. Kelly is survived by five sons: William D. Gaines, Jr. and his wife, Geraldine of Lewes, Del.; Jack E. Kelly, Jr. of Hilltown; James A. Kelly and his wife, Sara Jane, of Hilltown; Robert C. Kelly and his wife Gloria of Ambler and Curtis E. Kelly of New York, NY; seven grandchildren; two great-grandsons; and a brother, James R. Brady and his wife Libby of Myerstown, PA.

She was preceded in death by her first husband of several years, William D. Gaines, Sr., who was killed in action during World War II in August of 1944; twin infant granddaughters: Jodie E. and Jennifer Ann Kelly; and two sisters: Miriam Mace and Frances DeGour who both died in December of 1995.

Funeral services were this morning in Hilltown Baptist Church. Interment was in West Laurel Cemetery, Bala Cynwyd, PA.

In lieu of flowers, Memorial contributions may be made to the Grand View Hospice, 700 Lawn Ave., Sellersville, PA 18960.

Arrangements were by the Sadler Funeral Home, Telford.