

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS**  
**REGULARLY SCHEDULED PUBLIC MEETING**  
**Monday, October 26, 1998**  
**7:30PM**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr. at 7:32PM and opened with the Pledge of Allegiance.

Also present were: Kenneth B. Bennington, Vice-Chairman  
Charles D. Grasse, Supervisor  
Bruce G. Horrocks, Township Manager  
George C. Egly, Jr., Police Chief  
Francis X. Grabowski, Township Solicitor  
C. Robert Wynn, Township Engineer  
Lynda Seimes, Township Secretary

Chairman Bennett announced the Board met in three separate Executive Sessions over the past few weeks - one following the October 12, 1998 meeting in order to discuss personnel matters, one on Saturday, October 24, 1998 to discuss personnel matters, and one immediately preceding this meeting in order to discuss legal matters.

In anticipation of the large crowd this evening and since a Public Hearing will be held on Wednesday, October 28, 1998 to discuss the five proposed Zoning Ordinance amendments, the Board has decided to modify public comment this evening by scheduling 30 minutes of public comment at this time. The Board will allow up to 15 residents to speak tonight, at a maximum of 2 minutes each, and this will be the only public comment allowed this evening regarding the proposed amendments. Chairman Bennett recommended that the public comment concerning the zoning amendments be limited to those residents who are unable to attend Wednesday's Public Hearing.

Chairman Bennett wished to make a statement concerning the controversy surrounding the proposed UDA amendment, which follows:

"I would like to clear the air regarding rumors, innuendoes, and conjecture concerning "back room deals" with Mr. Frank Nicholas. I was invited to a meeting at Indian Valley Country Club for two hours on June 18, 1998. I invited Solicitor Grabowski and Mr. Craig Kologie of Castle Valley Consultants to attend because I value their expertise. Mr. Nicholas was thinking about selling all or a part of his property, approximately 323 acres, and wanted to know if the Township would be receptive to a golf course community. This was two months after the Supervisors had retained Castle Valley Associates to revise and update our zoning. On the advice of our Solicitor, Mr. Grabowski, we had declared a moratorium on April 27, 1998 which gave us a maximum of six months to accomplish this so that we could avoid probable curative amendments or lawsuits from developers that many of our neighboring communities have experienced at great cost.

Mr. Kologie suggested overlay ideas that had been adopted in other communities, particularly in Chester County, which included 65% open space in large developments. It seemed to make more sense to think in terms of a master plan for the entire property, rather than as many as ten separate properties included in the 323 acres, but there were no recommendations or proposals made in view of the moratorium which was in existence at the time. Mr. Nicholas and the developer knew they had to appear before the Township Planning Commission with any plan submittal. Since there has been so much speculation, I'd like to ask Mr. Wynn, Township Engineer, to tell the audience what Mr. Nicholas could do right now, if he wished, under the present Rural Residential Zoning."

Mr. Wynn made the following comments: "I looked at his site with some assumptions – that the site area was a 300 acre base site area, that there were no significant limitations due to natural resources, and that public water would be available to the property in the Rural Residential Zoning District. One option would be to develop the property as a B-1 Single-Family Detached dwelling development with 50,000 sq. ft. lots and no open space with 225 dwelling units. The second option would be a Use B-3 Single Family Cluster development, with 30,000 sq. ft. lots requiring 165 acres of open space and allowing a maximum of 162 dwelling units. Another option would be to blend those with a golf course, one with a Use B-1 with 50,000 sq. ft. lots with a C-8 Use golf course of at least 130 acres in area with 128 maximum dwellings. This would have no open space because the golf course could then be subdivided in the future. Another possibility is to mix the cluster development with a golf course of 130 acres in area, which would result in 92 dwellings with 93.5 acres of open space. These are basically the limits of Mr. Nicholas' options at this point."

Chairman Bennett continued with his statement, which follows: "I have been a proponent of open space since I have been on this Board, since January 1, 1988. I think a golf course is one of the best ways to preserve approximately 135 acres of well-maintained open space. There might also be the possibility that some revenue could accrue to the Township, although there were no discussions at this meeting as to whether a golf course would be public, semi-public, or private. I did not make any deals or promises to Mr. Nicholas, nor have I ever made any deals since I have been on this Board, nor do I intend to make any deals as long as I am on this Board. Perhaps the mistake I made was attending a meeting outside the Township Building. I had a similar meeting regarding a golf course at the other end of the Township several years ago, in the Township Building, but that golf course never came to fruition. I have also attended dozens of meetings with Hilltown residents in the last eleven years concerning problems such as dry wells, failing sewer systems, additions, property lines, speeding trucks, swimming pools, and so forth. It is my intention to continue to do so because I think it is part of my responsibility. I am retired and I fortunately have the time to do that. Many of our residents do not know anything about zoning and do not know where to turn for help. I am not an expert in any of these subjects, but I can guide them as to whether they

should see the Township Manager, the Water and Sewer Authority, the Zoning Officer, the Building Inspector, or the Police Department.

Most of us came to Hilltown from some place else. We came to avoid the congestion, the traffic, the crime, and so forth; we came from the suburbs and the city; we came to enjoy the peace, the quiet, and the beauty of Hilltown Township, a rural community, in hopes that it would remain the same. My family and I moved to Hilltown Township in 1960. There was no police department, little traffic, and no crime. We hoped it would remain that way, however we all know there have been a lot of changes, and it won't remain the same as it was a few years ago. I counted 10 new traffic lights today that have been installed within the last 11 years that I have been on the Board. The traffic is getting impossible, and is one of the Board of Supervisor's biggest concerns. There are 150 miles of roads, all two-lane with the exception of Rt. 313 and Rt. 309. This is a very serious problem. Properties are sold every day. Farmers go out of business every day. It is hard work and young people do not want to farm. The soils in Hilltown Township are not that good in any event. Builders are waiting in the wings. In fact, any of you that own 50+ or more acres of land have probably received letters from several developers in the past few months. They have become very active in Hilltown Township. This Board and the Planning Commission, along with the management of this Township, have worked hard to stop development. We do everything we can to slow it down, but we can not stop it. Thank you very much."

A. PUBLIC COMMENT CONCERNING THE FIVE PROPOSED ZONING ORDINANCE AMENDMENTS:

1. Since Chairman Bennett proclaimed to be a proponent of open space, Supervisor Bennington can only assume that when the open space referendum question is placed on the ballot next year for \$3.8 million dollars, that he will be a big proponent. Chairman Bennett replied that is not necessarily true. He would give it some thought again, as he did last time. It was advertised then to cost the average taxpayer \$40-\$50.00 more per year; however, it would have cost many taxpayers \$200-\$300.00 more per year. Chairman Bennett is also cognizant of the fact that since he has been on the Board, the tax mills for the Township have increased from 5 mills to 18 mills, which is more than triple the taxes from eleven years ago. Further, the school taxes continue to increase.

2. Mr. Parker Thompson of 404 Hilltown Pike wished to discuss the proposed UDA Ordinance amendment. Mr. Thompson thanked Supervisors Grasse and Bennington for their attendance at the last Planning Commission meeting. It was very encouraging to see two Supervisors at that meeting since this issue has become quite contentious. Mr. Thompson noted the Planning Commission unanimously recommended denial of the UDA Ordinance amendment because they felt it was poorly written, that it

was vague, and that many of the terms were not clearly defined – one of which was base site area. Mr. Thompson hopes that the residents can convince the Supervisors to see things the same way the Planning Commission did. Mr. Thompson asked when the Supervisors will vote on these Ordinance amendments. Chairman Bennett replied the vote will be taken at the Public Hearing on Wednesday.

3. Mr. Steffan Heilakka of Church Road noted the newspaper reported this week that Mr. Nicholas paid the bill for the particular meeting Chairman Bennett spoke of, and asked when that bill was paid. Chairman Bennett believes it was paid on October 6<sup>th</sup> or 7<sup>th</sup>, however he is not certain of the exact date.

Mr. Heilakka is not ready to allow the developers to take over our Township. There is a difference between a quality of life and convenience. Mr. Heilakka noted it may be convenient to have a golf course close by, however he does not believe it is an issue of a quality of life for the majority of residents of the Township.

4. Mr. John Bolger questioned the figures given by Mr. Wynn for the amount of dwelling units that would be permitted on the Nicholas site at present. Mr. Wynn again explained the number of units permitted. Mr. Bolger asked how many dwellings would be permitted on that same property if the proposed Ordinance amendment is adopted. Under the proposed UDA Ordinance amendment, Mr. Wynn advised 195 acres of open space is required. A conventional residential development, without age restriction, would allow 300 dwelling units. With an age-restricted community on the minimum 100 acres required, the dwelling units would go up to 320, and if the entire golf course community was age-restricted, the dwelling units could be as high as 360, not figuring in any natural resources, etc.. Mr. Bolger asked who would own the golf course. Mr. Wynn explained the Ordinance allows several different provisions, including ownership by a Homeowner's Association, by the Township, etc.. Discussion took place.

5. Mr. Carl Wagoner of 601 Hilltown Pike advised people moved to Hilltown Township for the open space and rural nature of the community. Mr. Wagoner is very concerned about water and sewer issues, traffic, and any chemicals or pesticides that might be used on a golf course.

6. Mrs. Jean Bolger of Rt. 152 asked how the requirements for an age-restricted community would be enforced. It is Mrs. Bolger's understanding that only one person per household must be 55 years of age or older, however there is no stipulation that school age children would not be allowed. Mrs. Bolger is against higher school taxes or the need to construct new schools. If the UDA Ordinance amendment was adopted as is, Solicitor Grabowski envisions that it would be his responsibility to draft a development agreement with any developer to address those points. Supervisor Bennington asked if there is a court precedent that a municipality can age-restrict a

community to 55 years of age or older. Solicitor Grabowski noted there is a Fair Housing Act which allows for age restrictions, and stated representatives of Castle Valley Consultants, who prepared this proposed amendment, will address these issues at Wednesday's Public Hearing.

7. Mrs. Susan Bennett of 745 Church Road suggested that the proposed Ordinance amendment be revised to contain requirements that no one under 18 years of age may live in the community. Discussion took place.

8. Ms. Mary Schiavone of 822 Township Line Road is concerned about the water issue if this Ordinance amendment is adopted. Ms. Schiavone recently had to drill a new well at a depth of 720 feet, and one of her neighbors had to drill a new well at a depth of 600 feet. Ms. Schiavone advised there is not enough water in the aquifers and reminded the Board that golf courses use a great deal of water.. Chairman Bennett believes public water would have to be utilized, and at present, it is located right across the street from the Nicholas property.

9. Ms. Mary Tyson of Mill Road advised public water is supplied to Hawk Ridge and the other neighboring housing developments, however it still affects the ground water. The North Penn Water Authority has very deep wells right down the street from Ms. Tyson that certainly affects the private wells in the area.

10. According to the proposed amendment, Mrs. Alice Kachline of 529 Mill Road understands that 80% of people in the age-restricted community can be 55 years of age or older. That does not mean that a 55-year-old man can not have a 30-year-old wife with many school age children. Further, Mrs. Kachline is concerned about the requirements when a second owner comes in to the development, and asked who will enforce the age restriction. Chairman Bennett believes that re-sales could be enforced by the Township via deed restrictions. Discussion took place.

11. Mr. Charles Phillips of Mill Road wondered if the Township would be open to lawsuits with an age-restricted community because it might be viewed as some sort of age discrimination. Solicitor Grabowski explained there is a Fair Housing Act which is Federal legislation that allows for certain restrictions such as age. Solicitor Grabowski suggested these questions be asked of Castle Valley Consultants at the Public Hearing.

12. Mr. Barry Lederach of Reliance Road questioned the amendment dealing with the rezoning of parcels CR-2 to CR-1 and RR to PC-1. Mr. Lederach is concerned about the definition of the zoning district which states that CR-1 is intended to be the Township's short-term residential development district. Mr. Wynn believes that the statement means that the area is where the houses are anticipated to be developed. Mr.



Lederach asked what type of housing comprises short-term residential development. Depending on the lot size, Mr. Wynn explained a variety of dwellings are permitted in the CR-1 District, including single family, clusters, and performance subdivisions which allows different types of single-family dwellings, twins, duplexes, townhouses, and apartments. Mr. Wynn noted 10 acres is the proposed minimum lot size for performance subdivisions.

13. Ms. Joan Connelly, who lives at the corner of Hilltown Pike and Keystone Drive, is very concerned about the proposed UDA amendment with regard to the issue of traffic. Ms. Connelly can not exit her driveway at present, and can not imagine what it would be like if a golf course development was constructed on the Nicholas tract. Supervisor Bennington commented there is no answer because development can still take place within the Township, even if the UDA amendment is defeated. The Township will have to control what developers pay up front to make the required improvements before they leave the Township.

14. Ms. Maureen Delugas has noticed that with each resident who has commented this evening, there are more questions with very few answers. The Supervisors will be voting on something Wednesday evening that will affect each and every resident of Hilltown. Ms. Delugas mentioned taxes, schools, roads, water and sewer issues, and asked what solution the Board of Supervisors have. Ms. Delugas felt the Township, not an outside agency, should have rewritten the Ordinances. Chairman Bennett stated one of the reasons for the moratorium was to revise and update zoning to prevent curative amendments and/or lawsuits by developers. The neighboring communities of Bedminster, Plumsteadville, and Buckingham have fought numerous curative amendments that developers have won, with great expense to the municipalities. Chairman Bennett reminded Ms. Delugas that there is such a thing as individual personal property rights, and if a resident wants to sell their property to a developer, there is nothing the Township can do providing the developer meets the requirements.

15. Mrs. Claire Schultz of Hilltown Pike owns property that abuts the Nicholas property. Mrs. Schultz wondered what sort of liability a developer has if neighboring property owners run out of water because of development. Solicitor Grabowski advised there are provisions in the existing Zoning and Subdivision Ordinances which require developers to show how they will provide water and sewer to any project. Therefore, a developer must prove to the satisfaction of the Township where water will come from and how it will affect the water table, via specific water tests. Solicitor Grabowski explained each resident has recourse and private rights against any one who caused damage to their property.

16. Mr. Paul Finocchiaro of 2017 Keystone Drive asked if the Township has any restrictions about the soil that is removed from this Township and sold for a profit

when a builder develops a property. Mr. Wynn commented there is a great deal of excess topsoil removed from sites because of the construction of roads and dwellings in a development. Mr. Wynn stated any subsoil might be removed if there is excess, though it is a very expensive process.

17. As the Director of Public Safety, Chief Egly commented the meeting room is officially over crowded. If Wednesday evening's Public Hearing draws this type of crowd, Chief Egly advised other arrangements will have to be made. Supervisor Bennington asked the maximum number of people permitted in the meeting room. Chief Egly believes there is a maximum number of approximately 96 people permitted. Mr. Horrocks reminded the Board that all legal advertising for this Public Hearing has been for the meeting to be held at the Township building, and legally, the location can not be changed. Discussion took place. Supervisor Bennington suggested outside audio speakers be provided for the lobby area and parking lot. Mr. Horrocks assured the Board that these measures will be taken to insure that all interested residents can take part in the Public Hearing scheduled for Wednesday, October 28, 1998.

\*Chairman Bennett called for a recess at 8:20PM. The regularly scheduled meeting was reconvened at 8:44PM.

B. 8:45PM - PUBLIC HEARING TO CONSIDER THE ADOPTION OF A PROPOSED PUBLIC DISCLOSURE ORDINANCE: Solicitor Grabowski presented proposed Ordinance #98-9 which is a Public Disclosure Ordinance. The Prospective Purchaser's Disclosure Ordinance provides that it shall be applicable to all developers who sell a vacant lot within an approved residential subdivision; or a lot that has a seller-constructed residential dwelling unit within an approved residential subdivision within Hilltown Township. The proposed Ordinance requires that before signing an agreement of sale for any new residential property, the buyer must be shown an approved subdivision or land development plan for all phases of that particular project. The subdivision plan must include all of the accompanied plans approved by the Township. To insure that the developer discloses all requirements of the subdivision to the prospective purchaser, there will be a disclosure statement required to be executed by a retail purchaser of the property. Further, the seller or the developer will be obligated to provide a copy of that disclosure statement to the Township within 30 days of its execution, and prior to issuance to any certificate of occupancy. The intent of this Ordinance is that all information regarding the nature of the property being sold or conveyed to the consumer be disclosed, and that there be no attempt to bypass any information concerning zoning, maintenance responsibilities for wells, septic systems, stormwater drainage easements, retention basins, etc.. The disclosure statement would then be kept on file with the Township and would require the signatures of both the developer as well as the property purchaser. Additionally, the developer shall present to any prospective purchaser prior to the execution of an agreement of sale, an individual

plan of the property that would show the street upon which the residence will front, the building envelope with front, rear, and side yards as shown on the approved grading plan and first floor elevation. If a developer should be found guilty of the Ordinance requirements, it provides for a summary proceeding before the local District Justice with a fine of up to \$1,000.00 for each and every offense.

There was no public comment.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to **adopt Ordinance #98-9 to adopt the Public Disclosure Ordinance, as specified above.**

C. APPROVAL OF MINUTES – Action on the minutes of the September 28, 1998 Board of Supervisor’s Meeting – Motion was made by Supervisor Grasse, seconded by Supervisor Bennington, and carried unanimously to approve the minutes of the September 28, 1998 Board of Supervisor’s Meeting, as written.

D. APPROVAL OF CURRENT BILLING: Chairman Bennett presented the Bill’s List dated October 27, 1998, with General Fund payments in the amount of \$288,735.73, State Highway Aid payments in the amount of \$3084.04, and Escrow Fund payments in the amount of \$2326.54; for a grand total of all payments in the amount of \$294,146.31.

Motion was made by Supervisor Grasse, seconded by Supervisor Bennington, and carried unanimously to approve the Bill’s List dated October 27, 1998.

E. CONFIRMED APPOINTMENTS: None.

F. MANAGER’S REPORT – Mr. Bruce G. Horrocks, Township Manager –

1. Mr. Horrocks presented five escrows, two of which are cash held by the Township, for the Board’s approval:

Bricks Villa Phase I	Voucher #41	\$	367.55
Bricks Villa Phase II	Voucher #28	\$	211.10
Gray Subdivision	Voucher #06	\$	52.63
313 Self Storage, Inc. (Silverman)	Voucher #05	\$	290.50
Waste Management of Indian Valley	Voucher #17	\$	97.19

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to release the five escrows as noted above.



2. Bids were opened at 2:00PM this afternoon for Bid #98-11 for ID-2 Wearing Course for Progress Drive and Keystone Drive, west of Bethlehem Pike to the West Rockhill Township border. Bid results are as follows:

M & M Stone Company	\$31,495.23 (+additional cuts for driveways @ \$3.00/L.F.).
Blooming Glen Contractors	\$32,087.60
P.K. Moyer and Sons, Inc.	\$34,228.65
S.A. Macanga, Inc.	\$37,536.75
Bray Brothers, Inc.	\$50,000.20

Mr. Horrocks explained the low dollar bid was from M & M Stone Company, however upon review, the Director of Public Works recommended that the Supervisors award the bid to Blooming Glen Contractors. This recommendation is being made because Blooming Glen Contractors, as well as all of the other bidders except M & M Stone, included all neat cuts and milling as the bid specifications requested. With the \$3.00/L.F. charge for approximately 300 ft. of linear cuts, M & M Stone's bid would actually be an additional \$900.00. This would bring their bid total to \$32,395.23, which is \$307.63 over Blooming Glen Contractor's total bid amount.

Motion was made by Supervisor Grasse, seconded by Supervisor Bennington, and carried unanimously to award Bid #98-11 for ID-2 Wearing Course to Blooming Glen Contractors in the amount of \$32,087.60, as specified above.

3. Mr. Horrocks presented Resolution #98-40, which is a support Resolution for the Pennridge Area Coordinating Committee, who is currently drafting a regional greenways plan and an intermunicipal project through a State grant. Hilltown Township's financial responsibility will be \$900.00.

Motion was made by Supervisor, seconded by Supervisor, and carried unanimously to **adopt Resolution #98-40 in support of the State grant being requested by the Pennridge Area Coordinating Committee for the regional greenways plan and intermunicipal project.**

4. Correspondence has been received from the Non-Uniform Employees concerning possible pension plan improvements. At this time, no action is required, however the employees request a response by the November 9, 1998 Worksession meeting.

5. A new three-year proposal has been received from Niessen, Dunlap and Pritchard, the Township's certified public accountants, for the years 1998, 1999, and

2000. A fee increase of 2% in 1998, and 3% for the years 1999 and 2000 have been proposed.

6. With regard to the recent speeding complaints through the village of Blooming Glen, Mr. Horrocks and Sgt. Chris Engelhart met with approximately seven trucking companies to review the speeding situation. The trucking company representatives were asked to relay information to their drivers to slow their speeds through the village of Blooming Glen, as well as all other areas of Hilltown Township.

On October 24, 1998, Mr. Horrocks met with approximately 25 Blooming Glen residents at the Scout Cabin to discuss the issue of speeding and to update them on the measures the Township has taken to date in order to rectify the situation. Discussion took place concerning the possibility of a traffic signal at the intersection of Rt. 113 and Blooming Glen Road, "Watch Children" signage, etc.. The residents also signed correspondence to Representatives Druce and Conti, asking the State to consider local radar in Pennsylvania.

Mr. Horrocks requested a brief Executive Session following this meeting in order to discuss personnel matters.

G. CORRESPONDENCE:

1. Correspondence was received from the Souderton Community Ambulance Company.

H. SOLICITOR'S REPORT – Mr. Francis X. Grabowski, Township Solicitor –

1. Solicitor Grabowski advised an appeal argument was held before Judge Scott concerning the Pileggi zoning matter on October 2, 1998. No decision has been rendered.

2. As an update to the Building Code Ordinances, Mr. Heilman, Code Enforcement Officer, continues to review the proposed building code requirements. What Solicitor Grabowski has reviewed to date is very impressive and he feels Mr. Heilman has done an excellent job.

3. With regard to the Rovin' Restaurant zoning appeal, Solicitor Grabowski noted a decision from the Zoning Hearing Board has been rendered finding in favor of the Township, thereby denying all relief requested by the applicant. Solicitor Grabowski suspects there may be an appeal of that decision to the Bucks County Court.

4. The Hickory Brook Kennel appeal was heard by the Zoning Hearing Board on October 15, 1998. The Zoning Hearing Board will issue their decision at its December 3, 1998 meeting.

5. The Walsh Zoning Hearing is scheduled for October 29, 1998.

6. Solicitor Grabowski reminded the Board that an application has been submitted by Trefoil Development for a change of zoning for a property on Rt. 113, across the street from Calvary Church. A hearing has been scheduled for Wednesday, November 4, 1998 at 7:30PM here at the municipal building.

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

1. Beer Lot Line Consolidation – The Planning Commission unanimously recommended approval of the Beer Subdivision (property consolidation) subject to correction of a drafting mistake contained on the plan. Mr. Beer recused himself from discussion concerning his subdivision. All waivers requested on behalf of the applicant within correspondence dated October 2, 1998 from Cowan Associates, Inc. were unanimously recommended for approval.

Motion was made by Supervisor Grasse, seconded by Supervisor Bennington, and carried unanimously to approve the Beer Lot Line Consolidation, pending completion of all outstanding items as noted above.

J. ENGINEERING – Mr. C. Robert Wynn, Township Engineer –

1. Country Roads Subdivision – Mr. Wynn explained Phase III of the Country Roads Subdivision were final paved this past Saturday, with seal seam work being done today, including the widening along Telegraph Road.

2. Bricks Villa – The roads within this subdivision were topped on Thursday and Friday of last week.

3. Orchard Glen – The off-site improvements along Orchard Road, including curbing and widening, has begun. The paving and curbing has been completed, although property restoration is not yet done.

4. Longleaf Estates – The developer was still working on Orchard Road this evening when Mr. Wynn came to the meeting. The Orchard Road profile is being reconstructed by actually lowering the crown of the road to improve sight distance, which includes the removal of the existing road and reconstruction of the road base.

5. Calvary Church - The widening and paving of Rt. 113 was completed last week, with a great deal of landscaping completed as well.

6. County Line Plaza - Parking lot paving is underway.

Mr. Wynn noted the developer of County Line Plaza requested modification to the approved plan with respect to the parking area. The approved plan included modifications to the parking area to reduce the amount of impervious surface and provide landscaped areas throughout. It also created an access road behind McDonalds, the car wash, and the bank. With respect to the Starwash Car Wash, the plan proposed curb and a landscape island with access to the rear of the car wash facility. Apparently when the plan was designed, no discussions took place with the owner of Starwash and now some difficulties have been experienced with the stacking lane for the car wash. Instead of installing a grass landscape strip, it is proposed to remain open as it currently is to provide a double stacking lane. This will allow two rows of vehicles to line up to enter the car wash. Unfortunately, this proposal will increase the amount of impervious surface, rather than decrease it as this plan was meant to do. Supervisor Bennington does not believe the dual stacking lanes will work. Discussion took place. Mr. Wynn will meet with representatives of Starwash and the developer to discuss other options.

K. MYLARS FOR SIGNATURE: None.

L. PUBLIC COMMENT:

1. Mr. Evan Beard, a resident of Hilltown and a member of Troop #79 in Perkaspie, has been working with Mr. Horrocks on an Eagle Scout project for the community. Mr. Beard began planning the project last year, which involves painting over graffiti-covered bridges throughout the Township with the help of his fellow troop members. This project is intended to beautify the community and provide it with a more appealing, cleaner image. After he provided correspondence stating the details of his project, Mr. Beard noted Mr. Horrocks responded in a letter dated August 24, 1998 requesting compliance with several legal requirements before Mr. Beard could commence his project. These requests included a certificate of insurance from the Boy Scouts of America, a statement that the project would include adult supervision on public roadways, and a hold-harmless statement signed by the Bucks County Boy Scout Council, as well as each participant's parent or legal guardian. Mr. Beard referred these requests to the Bucks County Boy Scout Council, who provided a certificate of insurance, which was sent to Mr. Horrocks in September. It is the standard policy of B.S.A. to provide for adult supervision during any project that is stated in their trip permit form. In regard to the liability waiver, Mr. Beard consulted the Director of the Bucks County Boy Scout Council, who then contacted the legal advisers of the National Boy Scout Organization, and learned that the policy of B.S.A. nationwide allows the local council to

sign a hold-harmless statement taking responsibility for all scouts involved in the project. However, the policy does not allow each scout's parents to sign a hold-harmless agreement due to legal ramifications that B.S.A. could face in the future. Mr. Beard then contacted Mr. Horrocks to determine if Hilltown Township would accept the policy of the Boy Scouts of America involving the local council to sign a liability waiver for the Township. Mr. Horrocks informed him that the Township Solicitor would not allow him to do the project unless the B.S.A. abided with the requirement for each parent to sign a liability waiver. Mr. Beard is in attendance this evening to seek the Board's reconsideration to allow him to perform this beneficial service to the community within the standard policy of the Boy Scouts of America.

In conclusion, Mr. Beard stated this is the only case where the Boy Scouts of America have been restricted from performing a community service project because of liability waivers required from each participant's parent, which includes park clean-ups, parades, and other Eagle Scout projects. Mr. Beard believes this issue could be resolved if the Township Solicitor meets with legal advisers of the Boy Scouts of America. Mr. Beard has put a great deal of effort into this project, and would appreciate the Supervisor's cooperation in completing this service project to the community. Discussion took place.

Solicitor Grabowski commended Mr. Beard on his presentation this evening and on his proposed project. With the Board's permission and at no expense to the Township, Solicitor Grabowski would like to contact B.S.A. to strike a compromise. The Board was agreeable.

2. Mr. Robert McVaugh of 1102 Callowhill Road asked the status of the search for Hilltown Township police chief when Chief Egly retires. Chairman Bennett hoped that a decision would be made within the next two weeks.

Mr. McVaugh asked the Board to give Lt. Kerry Trauger every consideration to fill this position. Lt. Trauger has been a long-time member of the police force and of the community, and Mr. McVaugh feels residents would prefer an individual who lives in Hilltown and knows the residents. Mr. McVaugh believes appointing Lt. Trauger to the position of Chief of Police would be a smooth transition with the departure of Chief Egly.

M. SUPERVISOR'S COMMENTS:

1. Supervisor Grasse was very impressed with the concerns expressed by the residents this evening. It is nice to see the community taking such an active part in these very important issues.

2. With the number of residents expected to attend the Public Hearing on Wednesday evening, Supervisor Bennington noted an alternative, such as closed circuit



television, must be employed to provide adequate participation by all residents present. Further, Supervisor Bennington believes a legal expert who is well versed in age restriction requirements should be present. Solicitor Grabowski suggested Mr. Horrocks contact Mr. Kologie of Castle Valley Consultants to be certain these concerns will be addressed. The Board was agreeable.

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

O. ADJOURNMENT: Upon motion by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously, the October 26, 1998 Supervisor's Meeting was adjourned at 9:32PM.

Respectfully submitted,

  
Lynda Seimes  
Township Secretary