

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
REGULARLY SCHEDULED WORKSESSION MEETING  
Monday, October 12, 1998  
7:30PM**

The regularly scheduled worksession meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr. at 7:30PM 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., Chief of Police  
Thomas A. Buzby, Director of Public Works  
Gregory J. Lippincott, Zoning Officer/Assistant Manager  
Richard J. Heilman, Code Enforcement Officer

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Chairman Bennett announced the Board met in Executive Session prior to this meeting in order to discuss legal and personnel matters.

A. HILLTOWN TOWNSHIP WATER AND SEWER AUTHORITY – Mr. Jim Groff, Operations Manager – Mr. Groff read the Authority Report for the month of September, 1998; a copy of which is on file at the Township office.

B. PUBLIC WORKS REPORT – Mr. Thomas A. Buzby, Director of Public Works – On behalf of Mr. Buzby, Supervisor Bennington read the Public Works Report for the period of August 30 through September 26, 1998; a copy of which is on file at the Township office.

C. ZONING REPORT – Mr. Gregory J. Lippincott – Mr. Lippincott read the Zoning Report for the month of September, 1998; a copy of which is on file at the Township office. With regard to the Keystone Grant proposal for walking trails through Pleasant Meadows and Orchard Glen, Mr. Lippincott presented Resolution #98-39 for the Board's consideration.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to **adopt Resolution #98-39 which is a Keystone Recreation, Park, and Conservation Fund Acquisition and Development Grant Programs resolution to implement the Keystone Grant Application.**

D. CODE ENFORCEMENT REPORT – Mr. Richard J. Heilman, Building Inspector – Mr. Heilman explained the progress made since he began full-time employment with Hilltown Township two months ago. Mr. Heilman thanked Bruce Horrocks, Lorraine Leslie, Greg Lippincott, and Lynda Seimes for their assistance in bringing the six-week

building permit backlog up to date. At present, permit turn around is approximately two weeks or less, as opposed to the original 30 day time period.

Mr. Heilman has been working on the BOCA Code update from the 1990 to the 1996 Codes. Mr. Heilman had hoped to bring the first draft to the Board at the next worksession meeting, however there is a complication that must be addressed. House Bill 1173 is coming up for vote before the State Senate sometime between November 4 and November 6, 1998 which will affect the Codes as they would have been adopted by the Supervisors. In House Bill 1173, it proposes that building permits will not be required for miscellaneous or utility buildings under 1,000 sq. feet, such as detached garages, sheds, etc.. The Bill also proposes that no building permits would be required for any agricultural buildings of any size. This issue in particular concerns Mr. Heilman because there would be no means of regulating the way an agricultural building of any size would be constructed.

Another issue proposed in House Bill 1173 is that the municipalities would not be able to reduce, by amendment, the Building Code from the standard that has been set. A municipality may exceed the Code, however a public hearing must be held with the proper Ordinance advertisement, and review by the Department of Labor and Industry must take place. Further, anyone who is aggrieved by the Ordinance can challenge it before the Department of Labor and Industry.

A final issue that would certainly impact the Township is the Building Board of Appeals. Most municipalities that Mr. Heilman is aware of, especially in rural areas, the elected officials or the Zoning Hearing Board serve as the Building Board of Appeals. If House Bill 1173 is passed by the State Senate, this would not be permitted since it clearly states that the Building Board of Appeals can not consist of elected officials and must meet the criteria set forth in the BOCA Code. It will be quite difficult to find individuals with the proper qualifications within the Township to serve on this board. Mr. Heilman noted he is moving forward with the International Plumbing Code, the Mechanical Code, and the Fire Prevention Code, since House Bill 1173 does not affect either of those Codes. Discussion took place.

Supervisor Bennington asked Mr. Heilman to prepare a memo noting the key points he is most concerned about so that he can call Senator Conti to voice his opposition.

E. HILLTOWN FIRE COMPANY REPORT – The Hilltown Fire Company Report for the month of September, 1998 was read and a copy is on file at the Township office.

F. POLICE REPORT – Chief George C. Egly, Jr. – Chief Egly read the Police Report for the month of September, 1998; a copy of which is on file at the Township office.

In reference to the last meeting, Chief Egly noted a local, daily newspaper reported that there had been numerous accidents with injuries at the intersection of Blooming Glen Road and Rt. 113. Chief Egly researched police reports for that intersection and discovered that there had only been nine accidents at that intersection since February 5, 1996 to the present. Four of those accidents were non-reportable and there weren't any accidents with injuries.

Chief Egly wished to make a personal comment, independent from the Police Chief review panel on which he served to appoint a new chief upon his retirement.

While working for the Bensalem Township Police Department, Chief Egly eventually became detective for the juvenile division. Chief Egly has been employed by the Hilltown Police for 24 ½ years, and for 16 ½ of those years, has been the chief of the department. Kerry Trauger has worked with Chief Egly from the beginning. Lt. Detective Trauger was on duty the evening Hilltown Township experienced their first murder – a stabbing at the R & S Diner. Following that event, and after a great deal of hard work, Lt. Trauger had aspirations to become detective, a job that he has performed admirably. Chief Egly complimented Lt. Trauger's investigative skills and initiative. Not long after that first murder, Kerry Trauger was promoted to detective and the department began to increase. With that increase, Chief Egly requested an officer to be assigned second in command, a job which went to Lt. Trauger. Over the years, Chief Egly experienced health problems where he has been hospitalized for several weeks at a time. During his absence, Lt. Trauger insured that the Hilltown Police Department functioned normally under his guidance. Chief Egly noted that he and Lt. Trauger think very much alike and therefore, there have never been disagreements between the two in their professional life. Chief Egly advised his police department is well organized and well educated, and he would put his department against any other in Bucks County. Chief Egly believes that if the Supervisors do not promote from within to the position of Police Chief, the department will be demoralized beyond repair. Chief Egly supports the appointment of Lt. Detective Kerry Trauger to the position of Chief of Hilltown Police Department.

G. SILVERDALE FIRE COMPANY REPORT – No one was present at this time.

H. PARK AND RECREATION REPORT – Mr. Nick Lupinacci, Chairman – Mr. Lupinacci read the Park and Recreation Report for the month of September, 1998; a copy of which is on file at the Township office.

With regard to the Keystone Grant, Mr. Lupinacci explained a walking tour has been conducted of the proposed trail along with neighboring residents. The grant application was completed at the last Park and Recreation meeting. Mr. Lupinacci thanked Mr. Greg

Lippincott, Zoning Officer/Assistant Manager, for the work he put into compiling the grant application. There is also a PennDot grant available for a similar project to cover 80% of the cost of constructing trails. According to the Township Open Space Plan that has been adopted, the next area designated for trails on Township property would be the Sterling Knoll/Deerfield developments. Correspondence was sent to the residents of those two developments, and they responded by attending the last Park and Recreation meeting. The Park and Recreation Board listened to the resident's concerns, which were very similar to those concerns expressed by the residents of the Pleasant Meadows development several weeks ago. A walk-through of the proposed trail through Sterling Knoll and Deerfield was conducted this past Saturday morning, with approximately 15 – 20 residents of the developments in attendance. The PennDot grant application is due in November of this year.

Park and Recreation Board members met with representatives of Pennridge Community Day group concerning the possibilities of Hilltown Township serving in a larger role in Pennridge Community Day celebration on an annual basis. Mr. Lupinacci is seeking the Board's consideration of monetary contributions to pursue the possibilities discussed at this meeting. One of the suggestions was to provide a square dance forum for Community Day. Discussion took place.

Mr. Lupinacci advised Mr. and Mrs. Joe Phillips, Township residents, have expressed interest in the establishment of a co-ed volleyball team to utilize the sand volleyball court at the Civic Park. Another item the Park and Recreation Board plans on pursuing is an Arbor Day celebration in April of 1999.

Supervisor Bennington received correspondence from a resident of Pleasant Meadows who raised some very valid points concerning the proposed walking trail through the development and he feels those concerns should be addressed. Mr. Lupinacci has spoken to the author of that letter, Mr. Rick Lambrecht, and those issues have been discussed by the Park and Recreation Board.

I. CONFIRMED APPOINTMENTS:

1. Mr. Joe Schmider – Director of Bucks Co. Emergency Health Services – Mr. Schmider, who was the chief of Dublin Ambulance Service for eight years, and also a 20-year member of the Dublin Fire Company, commended and thanked Chief Egly for the assistance he provided over the years.

Mr. Schmider understands there was concern expressed at the last meeting with regard to the response plan that Bucks County has implemented. This plan was developed with input from many organizations, including the Bucks County Planning Commission, the County Information Systems Center, Squad Chief's Association, and Bucks County

Health Council, and the Bucks County Department of Emergency Health Services. Mr. Schmider presented the Bucks County Response Plan for the Board's review. Bucks County has been divided into approximately 1,400 "boxes" that show which ambulances from one through twenty companies should respond to a certain location. The plan was created by using the response time from the time of dispatch until the time the ambulance was on the road responding to the emergency. Every box is marked to the center of the box, however Mr. Schmider noted not every box is located in the center of the box. Rather, the computer chooses the intersection located closest to the center of the box. A two-minute penalty was added to any out-of-County organization. For instance, Mr. Schmider explained that when a call is received by the Bucks County Dispatch Center, the information is relayed to Montgomery County Dispatch Center, thereby resulting in the two-minute penalty. Anytime there is a conflict where two squads did not agree to a particular response area, a presentation would be made to the corresponding Board of Supervisors or Council members for their determination. Mr. Schmider commented the Board of Supervisors would have the final word regarding any decisions made by the implementation of this plan. This plan has been in use since 1993/1994; and according to Mr. Schmider, this is the first complaint received about the two-minute response time.

The response area that was called to the Supervisor's attention at a recent meeting is that of Souderton (#339) and Grandview (#151) Ambulance Services. Mr. Schmider explained the plan data shows that Grandview Ambulance Service is 1.28 miles closer to the center of the box at the intersection of Reliance Road and Bethlehem Pike, than the Souderton Ambulance Service. Mr. Schmider stated the current changes that brought him here this evening took place in April when Grandview and Perkasio Ambulance were working towards a merger, which never took place. At that time, Grandview Ambulance was given a full license. Prior to that, they were merely a responder unit that would assist basic ambulance units in the Upper Bucks County area. Grandview has always been included in the plan, however they did not have their own territory until April of 1998. Wherever Grandview had been marked first responder before then became their response area. A meeting took place on April 30, 1998 with Souderton, Grandview, Perkasio, Bucks County Department of Communications, and Mr. Schmider when Grandview's territory was confirmed and the changes were made in May of 1998. Supervisor Bennington asked if Souderton Ambulance had any adverse comments to their new coverage area for Grandview. Mr. Schmider explained Souderton had no negative comments during that meeting, however they did state that they would make their comments, if any, at a later date. No response was ever received from Souderton Ambulance until July, and by that time, Mr. Schmider noted the new responder area had been assigned to Grandview Ambulance. Supervisor Bennington commented Grandview Ambulance's territory was then determined by a unilateral decision without the consent of Souderton Ambulance. Mr. Schmider agreed.



When Mr. Schmider began to gather information for this presentation several weeks ago, he discovered there was a mistake made on July 20, 1998 with one box, #339751, which was given to Grandview Ambulance. Apparently a programmer in the Department of Communications on July 20th made the error, which was corrected that same day. Supervisor Bennington asked Mr. Schmider to confirm that the Green Meadows area of the Township who thought they were being removed from Souderton Ambulance coverage area, still has Souderton Ambulance coverage. Mr. Schmider advised that statement was correct. It was Mr. Schmider's understanding that Souderton Ambulance and Grandview Ambulance would meet to discuss the possibility of splitting an existing box. As of this past Friday, Mr. Schmider spoke to John Stover of Grandview Hospital who advised one meeting has been held, and there had been no follow-up on the possibility of splitting boxes. Mr. Schmider advised Grandview Ambulance Service has made efforts to contact Souderton Ambulance Service to review the boxes to make any appropriate changes. On October 7, 1998, Mr. Schmider again ran the data to determine what had been done with response times into Hilltown Township. In 1970, the average time to respond to a location was five minutes; and as of October 7, 1998, the average response time to a location is four minutes.

It is Supervisor Bennington's impression that Grandview Ambulance Service has additional responsibilities besides the ambulance service. Mr. Schmider replied that is correct, they provide transport service as well. In Bucks County, ambulance services are required to log an ambulance with the Department of Communications if that ambulance is to be dispatched. A report is generated monthly to insure that response times do not drop below 85%; and Mr. Schmider is not aware of any problems with Grandview Ambulance Service. Supervisor Bennington asked if Grandview Ambulance response times are taken from the bays at the hospital or if they are taken from the on-ramp at Rt. 309. Mr. Schmider noted those times are taken from each ambulance service's trip reports, and therefore, whatever data is submitted on the trip reports is what is used. Supervisor Bennington wondered how valid the data is. Mr. Schmider stated the response plan in effect since 1993 has used that data successfully. Further, Mr. Schmider wondered why Souderton Ambulance Service is complaining about the two minute response time now, when it has been in effect since 1993. Discussion took place.

Supervisor Bennington reminded Mr. Schmider that Hilltown Township is being asked to spend \$25,000.00 for new radio systems so that fire departments can communicate across borders. If fire department radios can communicate across borders, Supervisor Bennington does not understand why ambulance services can not communicate across borders. If the installation of new radios precipitates a change to remove the two-minute delay, Mr. Schmider advised it would take place.

\*Chairman Bennett called a 5-minute recess.

2. Mrs. Connie Schuler – Ambulance Services – Mrs. Schuler, a member of Souderton Ambulance Service and an Emergency Medical Technician, advised she personally drove to the locations discussed this evening, and presented mileage figures to support her findings. From Souderton Ambulance station to Centennial Ridge development, at the speed limit they are permitted to travel, Mrs. Schuler advised it is a distance of .8 miles. From Grandview Hospital to Centennial Ridge development, at the speed limit they are permitted to travel, it is a distance of 3.8 miles. From Souderton Ambulance station to Green Meadows development, it is a distance of .6 miles; and from Grandview Ambulance to Green Meadows development, it is a distance of 4.4 miles. From Souderton Ambulance station to the Souderton exit of Rt. 309, it is a distance of 1.3 miles; and from Grandview Ambulance station, it is a distance of 4.4 miles. Mrs. Schuler feels the gap of the distances themselves justifies further consideration.

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Mr. Jim Ford, chief of operations with Souderton Community Ambulance Services, explained Souderton Community Ambulance had contacted Bucks County by letter requesting the use of Bucks County dispatch tones. Bucks County presently dispatches an out-of-County squad, and Grandview Hospital Ambulance Service does not have that advantage because they are dispatched by Montgomery County and carry Montgomery County dispatch tones. If Souderton Ambulance Services were permitted to use the dispatch tones, it would remove the two-minute delay and they would be able to serve that area. Mr. Ford advised Souderton Ambulance Service serves Telford Borough, which is the only borough located on both sides of the County line, serving both Bucks and Montgomery Counties through Telford Borough. In a two-minute dispatch, Bucks County will collect the information and forward it to Montgomery County. Sometimes, although it is not their policy, Bucks County will dispatch via a printout through a modem, which alerts Souderton Ambulance Service by a tone, long before Montgomery County dispatches them. If Bucks County would allow Souderton Ambulance Service to purchase those dispatch tones, they would be willing to do so.

Chairman Bennett noted the Green Meadows area of the Township comprises approximately 15% of the population of Hilltown Township, and he is very concerned because he knows that Souderton Ambulance is less than one mile away from that area. When the meeting was held in April of 1998, Chairman Bennett asked why members of Souderton Ambulance Service did not object to this plan. Mr. Ford attended that meeting and had concerns with regard to two of the Hilltown boxes, which he felt should not have been changed. Bucks County recognizes the center of a box, however Montgomery County will supply the territory and boundaries for coverage. Mr. Ford does not know how far the boxes in Bucks County go until another box coverage area takes over.

Chairman Bennett commented Mr. Schmider had advised that if the two ambulance companies can agree upon changes, he would approve them. Mr. Ford has prepared a

proposal by Souderton Ambulance for review and consideration by Grandview Ambulance. Discussion took place.

Chairman Bennett suggested that Souderton Ambulance Service and Grandview Ambulance Service meet to discuss any service area changes by mutual agreement. Supervisor Grasse agreed. Supervisor Bennington was opposed to any boundary changes that took place at the April, 1998 meeting with the two ambulance services as discussed earlier.

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

1. Mr. Horrocks presented a series of four escrow releases, one of which is cash held by the Township, for the Board's consideration:

Country Roads Phases III & IV	Voucher #49	\$ 845.15
Longleaf Estates Phase I	Voucher #18	\$3,279.61
Orchard Glen Subdivision	Voucher #39	\$1,864.11
Quiet Acres	Voucher #22B	\$1,685.66

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

2. Several weeks ago, the Township requested the services of the Constable to enforce an order to cut tall weeds on two properties. That has been accomplished. Mr. Horrocks requested Board approval to authorize the Township Solicitor to place municipal liens on those property owners (Leonard Sterling and R & R Enterprises) to cover the cost expended by the Township to cut the weeds.

Motion was made by Supervisor Grasse, seconded by Supervisor Bennington, and carried unanimously to authorize the Township Solicitor to place municipal liens on two property owners to recoup the costs of cutting tall weeds, as noted above.

3. The last community map produced by the Township was done in 1996. Mr. Horrocks presented information from Community Map Service for their consideration. There is no cost to the Township involved.

Motion was made by Supervisor Bennington, seconded by Supervisor Grasse, and carried unanimously to authorize a new Hilltown Township map through Community Map Service, at no cost to the Township.



K. CORRESPONDENCE:

1. Correspondence was received from Berkheimer Associates concerning reciprocal taxes from the year 1997.

L. MYLARS FOR SIGNATURE: Schafstellar Subdivision

M. PUBLIC COMMENT:

1. Detective Bill Leyden of Quarry Road was very pleased that Chief Egly publicly supported Kerry Trauger for the position of Hilltown Township Police Chief this evening.

2. Mr. Del Muse, owner of Frederick's Flowers, wholeheartedly agreed with Chief Egly's support of Kerry Trauger and hopes that the Board will look favorably upon Lt. Detective Trauger's bid for the position of Police Chief. Mr. Muse explained that Lt. Trauger personally responded to a police call at his business one Thanksgiving morning and has always been very dedicated.

With regard to the ambulance situation, Mr. Muse stated one of his customers recently required ambulance service, and he was very surprised when Grandview Ambulance Service responded instead of Souderton Ambulance Service, who is located much closer to his business.

3. Mrs. Mary Muse, owner of Frederick's Flowers, was under the impression that an emergency recognizes no boundaries within the state of Pennsylvania. Mrs. Muse asked why residents, particularly those living in Green Meadows and along Bethlehem Pike, were not notified of the change in ambulance coverage. Mrs. Muse is very concerned about the lengthy response time provided by Grandview Ambulance Service for her area of the Township.

4. Mr. Scott Boyer, resident of Green Meadows, can not understand why ambulance coverage areas have been changed when there have been no response time problems for so many years. Mr. Boyer lives right around the corner from Souderton Ambulance Service and feels they should service his home for emergency response.

After bringing this matter to Mr. Schmider's attention, Chief Egly assured Mr. Boyer that the Green Meadows area is once again being serviced by Souderton Ambulance Service, as it had always been.

5. Ms. Beth Parsons of Green Meadows is very pleased to hear that the boxes have been changed back to Souderton Ambulance Service in her area. When Ms. Parsons

spoke to Mr. Horrocks last week, she was quite shocked that he was going to advise the Supervisors to stay out of this matter. Ms. Parsons feels this is a very important issue that must be addressed for the health, safety, and welfare of the residents in this area of Hilltown Township. Ms. Parsons believes the Supervisors should further investigate the other boxes that Souderton Ambulance Service previously covered.

6. Mr. Parker Thompson, 404 Hilltown Pike, questioned the rumor of a proposed golf course community to be situated between Hilltown Pike, Keystone Drive, and Township Line Road. Chairman Bennett commented no formal proposals for a golf course community have been submitted to the Township. Mr. Thompson noted that there are some pending Ordinance amendments that would apply to this type of situation. Mr. Horrocks explained one of the amendments the Supervisors are considering in their curative municipal amendments to the Zoning Ordinance deals with an overlay to the Rural Residential Zoning District. That overlay would allow a golf course community and/or a retirement community. Mr. Horrocks noted that is not a change of zoning. For any resident located in the RR District to undertake either of those two uses, they would have to submit a private petition to change zoning. Mr. Thompson expects that this will continue to be an issue for concern since there have been rumors that there are 400 dwellings proposed for this golf course community. If this is indeed true, Mr. Thompson commented the infrastructure of Hilltown Township could not support the addition of that many people. There are also rumors that the golf course will be private, which he feels would not be appropriate for the area.

Mr. Thompson referred to a section of the July 27, 1998 Supervisor's meeting minutes, when the property in question was mentioned. These minutes state "For the record, Supervisor Bennington commented that he is not willing to pay the bill from Castle Valley Consultants in the amount of \$552.50 regarding the Nicholas property." Chairman Bennett advised that bill has not been paid to date, however he expects it will be. Supervisor Bennington asked Mr. Horrocks if the bill has been paid, and Mr. Horrocks replied that the Township has paid it. According to that statement in the minutes, it appears to Mr. Thompson that the Ordinance review by Castle Valley Consultants was done specifically for a golf course community for this particular property. Solicitor Grabowski has heard the same rumors and wished to offer an explanation. In January or February of this year, the staff of the Township in its ongoing review of the Zoning Ordinance, wanted to insure that the existing deficiencies in the Ordinance were addressed so that developers could not take advantage of loopholes. Developers look to the Ordinance to determine the easiest and most cost effective way to develop property. One of those deficiencies perceived by the staff was mobile home parks. In addition to mobile home parks, the staff also realized that the Ordinance permits golf courses and allows for homes; however it does not necessarily address golf course communities. If the Township would be faced with these types of proposals, the

staff wished to provide extra layers of protection for the Township. The Township declared a moratorium in April of 1998 and hired Castle Valley Consultants to prepare a series of ordinances, one of which is referred to as an overlay district. Castle Valley Consultants made a two-hour presentation at the last Planning Commission worksession meeting on this subject. Essentially, this district is a concept that provides for an overlay of a golf course community, given certain parameters. If that development complies with all requirements, the developer must then go through a zoning change under that Ordinance. This does not exist at present. It also provides for more restrictive setbacks and buffers, etc.. The current Ordinance basically provides for approximately 50% of open space. The proposed Ordinance provides for 65% of open space. In July of 1998, Solicitor Grabowski first heard of the use of the Nicholas property as a golf course. Mr. Nicholas, as a resident, asked to meet with representatives of the Township to discuss the possibility of selling his property for a golf course community and to discuss whether the Township might be interested in purchasing the property for open space purposes. Mr. Nicholas owns approximately 300+ acres. Mr. Nicholas contacted Chairman Bennett to meet with him and the planners, Castle Valley Consultants. Chairman Bennett contacted Castle Valley and Solicitor Grabowski to meet with Mr. Nicholas to determine what he had in mind. Solicitor Grabowski met with Mr. Nicholas, Mr. Nicholas's son, a developer named Mr. Sal Paone, and a golf course designer named Mr. Fasio, Chairman Bennett, and representatives from Castle Valley Consultants. Mr. Nicholas and his representatives presented plans and asked Solicitor Grabowski, Chairman Bennett, and Castle Valley Consultants what they thought of the plans. Solicitor Grabowski advised them that those in attendance could not and would not make any decisions. Mr. Nicholas understood that the Township was in the midst of making a zoning change, however Solicitor Grabowski corrected that statement and explained that the Township had declared a moratorium, working towards the benefit of all Township residents. An offer was made by the developer to work with the Township, but that offer was very politely, yet very abruptly, declined by Township representatives. Solicitor Grabowski made it clear to Mr. Nicholas and the developer that the Ordinance was not being revised to benefit them or any other developer. There was discussion at the time that this particular developer might be interested in constructing up to 400 housing units. Castle Valley Consultants firmly told the developer that the Township was not interested in working on the developer's schedule or on the developer's plan; and that they would do what was best for Hilltown Township. At that point, the meeting ended. Solicitor Grabowski has had no further discussions with Mr. Nicholas or Mr. Paone; nor does he know if there is even an agreement of sale for Mr. Nicholas' property. The Township is continuing to work on its own plan in order to insure that there are proper and appropriate restrictions for that type of use. If what may or may not be adopted by Hilltown Township does not satisfy the developer's needs, Solicitor Grabowski noted it was not the Township's problem. Solicitor Grabowski absolutely denied that the Township is working in concert with any developer.

Mr. Thompson stated one of the rumors is that the overlay ordinance provides for specific reductions from an initial target of 300 contiguous acres that this Ordinance would apply to, down to 250 contiguous acres. Mr. Thompson feels the Ordinance Solicitor Grabowski is speaking of is being tailored towards a single landowner, Mr. Nicholas. If that is the case, Mr. Thompson noted the impact on that portion of the Township would be detrimental. Mr. Thompson advised that the infrastructure – including roads, schools, police services, is simply not there to support a development of this magnitude. Solicitor Grabowski commented all the items mentioned by Mr. Thompson would have to be adequately addressed by any developer to the satisfaction of the Board prior to approval. At the last Planning Commission worksession meeting, Mr. Kologie of Castle Valley Consultants addressed the issue specifically that the number of 300 acres probably could never be satisfied in Hilltown Township or any other municipality in Bucks County. That being the case, Mr. Kologie mentioned that this might become an unreasonable restriction, which would provide a possible loophole to a developer. Solicitor Grabowski read a section of the Bucks County Planning Commission review pertaining to the overlay ordinance, which states “Although we understand the need for enough contiguous land area under the UDA concept to promote design flexibility, we note that under this proposal, Section 5.2A would require a contiguous tract area of not less than 250 acres. However, a requirement for this amount of land seems excessive, especially when considering the number of parcels that would have to be assembled in order to use this zoning overlay concept. It would appear that a minimum tract area of 150 acres would be adequate. It would yield approximately 100 acres of open space and about 50 acres of developable land. Therefore, we recommend that the required amount of contiguous land area be reduced so that more developers would be able to take advantage of this viable concept.” Obviously, Solicitor Grabowski noted, there is a dilemma because the Bucks County Planning Commission believe the acreage is too high, and others say it is not enough.

Mr. Thompson moved to Hilltown Township five years ago, and it was his understanding that development would happen at a rationed, clear pace; and in every respect, it would happen on at least 1.5 acre lots. What is presented here is very confusing, and Mr. Thompson feels it is a case of the system being manipulated for a specific instance for the benefit of a specific individual.

Supervisor Bennington stated he, along with several Planning Commission members, had major concerns with the UDA. The way Supervisor Bennington understands it, if the Township did not have the UDA, developers could propose 500 or 600 homes on that small parcel. With 250 acres, 65% or 162 acres, must be open space. The remaining 88 acres, which is buildable, could only have a maximum of 250 homes built upon it. Supervisor Bennington realizes that even though 250 homes sounds like a lot, the alternative is much worse. Chairman Bennett noted Castle Valley Consultants advised



him that whatever the number of dwellings, there could not be any more built on this property under the proposed zoning than there could be under present zoning.

7. Mr. Stephen Heilakka, Church Road, spoke with Mrs. Nicholas today. He told her that he understood she sold her property to Toll Brothers, and her response was "I have not sold my property yet, and least of all, to Toll Brothers." Mr. Heilakka commented a golf course as open space does not support the life and fauna of Hilltown Township. He lives not far from a development called Hawk Ridge, which he prefers to call "Hawkless Ridge." Mr. Heilakka stated open space as a golf course means that our water supply will be under direct threat due to the insecticides that will be used. Mr. Heilakka wondered what he could do, as a concerned citizen, to stop this sort of development and to preserve Hilltown Township. Mr. Horrocks replied there are two opportunities to speak your opinion – for, against, or indifferent, on any of the five proposed amendments. The first opportunity is Monday, October 19, 1998, when the Hilltown Planning Commission meets to determine their recommendation to the Board of Supervisors on this issue. The second opportunity for public comment is Wednesday, October 28, 1998, at the Public Hearing to be held before the Board of Supervisors when they will consider adoption of any or all of these five amendments. Mr. Horrocks noted the Public Hearing had originally been scheduled for October 21, 1998, however due to an advertising error, that meeting has been rescheduled for October 28, 1998 at 7:30PM. There are copies of the five proposed amendments available for public review at the Township office. In order to alleviate copying costs, a \$10.00 deposit is required for a 48-hour review period, after which time your deposit will be returned.

8. Ms. Kathy Holliday of Cedar Hill Road reminded the Board that they are to have the wellbeing of Township residents in their hearts. Ms. Holliday stated something is wrong when a concerned citizen asks the Supervisors about rumors they have heard and is met with a blank stare. Ms. Holliday commented this type of reaction gives the impression that there is a sub-corporation in the Nicholas organization that involves the Board of Supervisors. Chairman Bennett denied this accusation.

9. Mr. Dale Ott of Mill Road comes from a family who has owned a farm in Hilltown Township for close to 300 years, and he is a wildlife conservation officer deputy. Mr. Ott is very concerned about the lack of rural preservation throughout Hilltown. He too has heard the rumors of 400 dwellings being constructed on the Nicholas property, which he believes would reduce the quality of life in Hilltown Township. Mr. Ott would be glad to take up a collection to help purchase the Nicholas property for open space purposes.

10. Mrs. Susan Bennett of Church Road asked if the open space referendum question could again be placed on the ballot, since it appears Hilltown residents now understand what is truly at stake. Supervisor Bennington commented the concerned

residents in attendance this evening do not comprise the areas that were opposed to the open space referendum question at the time. Discussion took place.

11. Mr. Gary Finkelstein of 510 Rosie Lane explained that he and his wife moved to the area several years ago and found the community absolutely wonderful. Mr. Finkelstein is amazed by the stonewalling he witnessed this evening and asked the Supervisors to recognize that they are elected officials charged with representing all of the residents of Hilltown Township.

12. Ms. Sandy Bumgardner, Rosie Lane, is appalled that Chairman Bennett, who personally expresses great concern about raising taxes, is willing to pay \$552.00 of taxpayer dollars for a lunch regarding the Nicholas property. If Chairman Bennett is concerned about preserving taxpayer's money, then she hopes he will truly listen to the residents present this evening.

13. Mrs. Lori Treichel, Rosie Lane, stated one of the main reasons her family moved to this area was because it was still relatively rural. Mrs. Treichel was very upset because she phoned the municipal building earlier today and the person she spoke to denied any knowledge of the issue at hand this evening. Whether paid or elected, Mrs. Treichel feels Township officials and employees have a duty to inform the public about such an important issue. She believes there is a hidden agenda involved. Mrs. Treichel asked how many homes could be constructed on the Nicholas parcel. Chairman Bennett advised the number of homes is limited by the acreage. Discussion took place. Supervisor Bennington commented he has no hidden agenda, and assured Mrs. Treichel that he will do the right thing with these proposed Ordinances.

14. Mr. Bob Rapella of Rosie Lane found it very interesting that at the beginning of this meeting, Chairman Bennett denied any knowledge of a proposal concerning the tract of land in question. Yet it has become very apparent that Chairman Bennett was not only aware of a proposal for the Nicholas property, but there were also many details shared with members of the Board of Supervisors about the possibility of constructing a golf course community on that property. Mr. Rapella believes that is why most of the residents present this evening are concerned and questioning the Board's integrity.

15. Mrs. Thelma Dowiak of 514 Swartley Road urged those present to attend future meetings so that the residents can stand together to fight this proposal.

16. Mr. Paul Finocchiaro of 2017 Keystone Drive has been a resident of Hilltown Township for 36 years. He is very concerned about the issue of water and wondered how this particular proposal for 400 units will affect the water situation in Hilltown Township. Mr. Finocchiaro reminded Chairman Bennett that he supported him

in the past with his bid for election, and he hopes that Chairman Bennett will now support the residents of Hilltown Township and do the right thing.

17. Ms. Denise Hermany of Rickert Road asked if single family dwellings or multiple family cluster homes are proposed. Mr. Horrocks explained there is a mixture of dwelling units including single family dwellings, age restricted townhouse units, etc.. There are specific site calculations that would determine how many dwelling units can be constructed. Solicitor Grabowski commented higher courts in Pennsylvania have ruled that townhouse units, apartment units, and mobile home parks can not be prohibited. Every municipality must provide its fair share of every specific use in the residential districts. Ms. Hermany hopes that the rural nature of the community can be preserved. Supervisor Grasse advised that there is not much the Supervisors can do if a resident wishes to sell their 300 acres of land and move out of the Township.

18. In response to Supervisor Grasse's comment, Mrs. Alice Kachline of Mill Road advised this particular property is located in the Rural Residential Zoning District and 50,000 sq. ft. lots are permitted. Mrs. Kachline agreed that Mr. Nicholas has the right to develop his property, however she suggested single family homes could be constructed on the site. There would be a lot less houses than what is proposed with the golf course community.

19. If the five proposed amendments are passed, Ms. Sue Bennett of 745 Church Road asked if a developer could sue the Township if he does not approve of the amendments. Solicitor Grabowski stated a developer could still sue the Township. Therefore, Ms. Bennett noted whether or not the amendments are in place, the Township could still be facing legal action. Supervisor Grasse commented the Township would have a better chance of winning a lawsuit if the amendment is adopted and in place. Solicitor Grabowski stated one of the reasons the Supervisors are reviewing these ordinance amendments is in the event of a lawsuit, the Township can show the court that Hilltown Township has reasonable restrictions on the record. Discussion took place.

Ms. Bennett asked if there are line item vetoes with the five amendments. Solicitor Grabowski replied that they are all individual amendments, and this is why they were proposed separately.

20. Mr. Jeff Reed of Mill Road purchased his property, which abuts the Nicholas property, within the last year. It is obvious to Mr. Reed that any developer who comes before the Board does not have the best interest of Hilltown Township in mind. The Supervisors were elected to serve and protect the residents of Hilltown Township.

21. Ms. Sandy Williamson of Mill Road was not aware until this evening that there was any problem with Hilltown's Zoning Ordinance. Due to the death of Ms.

Williamson's grandfather, Valentine Lee, the estate was forced to sell a portion of their property. The property was subdivided, at great cost, into five-acre lots because the heirs did not wish to sell the property to a developer. Ms. Williamson knows that Mr. Nicholas has attempted to maintain land in Bucks County and she does not fault him for that, however she feels he should have considered the possibility of a subdivision with five-acre lots for his property. Ms. Williamson does not believe the Township should live in fear of a lawsuit.

Ms. Williamson asked if the feasibility study funded by the Township will be available for review. Mr. Horrocks advised all copies of the proposed ordinances are available for public review. Several years ago, Ms. Williamson recalls that Mr. Nicholas purchased a portion of his property when there was a similar development proposed for that site. Fortunately, the proposal was defeated, partially due to the fact that Mr. Nicholas purchased the property. Ms. Williamson noted a portion of the property in question is very swampy with standing water and poor drainage. Further, Hilltown Pike is a very narrow, twisty road where access to and from the site will be very difficult. Another issue for consideration is that a golf course is very high maintenance, and Ms. Williamson fears the neighbors will experience a drop in the water table, as well as the threat to water supplies from the amount of pesticides necessary to maintain a golf course.

22. Ms. Nancy Albright of Hilltown Pike made the following comments as a member of the news media. Ms. Albright is concerned that any decisions or the appearance of any decision making has been done without public notification, which is in direct violation of Pennsylvania's Sunshine Law. It concerns Ms. Albright that two of the three Supervisors would be able to consider such a controversial issue without the public's knowledge. Ms. Albright asked the Supervisors, from this point on, to conduct all their meetings and all their deliberations in the open with appropriate public notification. Mr. Horrocks explained that there was only one Supervisor present at the meeting Ms. Albright is speaking of, which is not a violation of the Sunshine Law.

N. SUPERVISOR'S COMMENTS:

1. Solicitor Grabowski asked for Board authorization to advertise and establish the new public hearing date of October 28, 1998, in order to consider the adoption of the five Zoning Ordinance amendments as previously discussed. The Board was in unanimous agreement with the public hearing date of October 28, 1998.

2. Supervisor Bennington encouraged those present to attend the Planning Commission meeting scheduled for October 19, 1998 to voice their displeasure with this proposed Ordinance amendment.



3. Supervisor Grasse has been a member of the Board of Supervisors for ten months, and for six months of that time, the Board has worked very diligently on a zoning moratorium for Hilltown Township. Prior to being elected to the Board of Supervisors, Supervisor Grasse served on the Zoning Hearing Board for eight years and realized that the Zoning Ordinance was lacking. Unfortunately, development can not be stopped, however Supervisor Grasse noted the Township can do everything in its power to protect itself by revising the Ordinance.

4. Chairman Bennett has been a resident of Hilltown Township since 1960 and owns approximately 100 acres of ground. He has been concerned about the fate of his property and is a serious proponent of open space. In 1960, the population of Hilltown was approximately 4,000, with 33 dairy farms. Today, the population is approximately 15,000, with only 1 remaining dairy farm. Chairman Bennett agreed with Supervisor Grasse that there is no way to deter development, however it can be controlled to a certain extent. Within the past three months, several large developers including Hovnanian, Toll Brothers, Cutler, etc., have been researching Hilltown Township for the purpose of development. Chairman Bennett was very honest earlier when he stated that there have been no formal proposals made to the Township. He has heard all the rumors, including that of 400 dwelling units proposed on Mr. Nicholas's property. Chairman Bennett stated it is impossible to construct 400 dwelling units on that site. He is very much in favor of the construction of a Township golf course because it is one of the best ways to preserve open space, however it does not precondition him to this particular situation. Chairman Bennett is also certainly cognizant of the comments made this evening and is very much in favor of doing what we can to stop development and to preserve open space.

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

P. ADJOURNMENT: Upon motion by Supervisor, seconded by Supervisor, and carried unanimously to adjourn the October 12, 1998 Supervisor's Worksession meeting at 10:34PM.

Respectfully submitted,



Lynda Seimes  
Township Secretary  
HILLTOWN TOWNSHIP

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