

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARY SCHEDULED MEETING
MONDAY, FEBRUARY 27, 2017**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman John B. McIlhinney at 7:00 PM and opened with the Pledge of Allegiance. Also in attendance were Vice-Chairman Kenneth Bennington, Supervisor James Groff, Township Manager Lorraine Leslie, Township Solicitor Stephen Harris, Township Engineer C. Robert Wynn, and Chief of Police Christopher Engelhart.

1. ANNOUNCEMENTS: Chairman McIlhinney stated there was an executive session/work session prior to this meeting and on February 21, 2017. No action was taken.
2. PUBLIC COMMENT ON AGENDA ITEMS ONLY: Jim Hoffman, 217 Chandler Way, stated he would like to comment under new business.
3. CONSENT AGENDA:
 - a) Minutes of the January 23, 2017 BOS Meeting
 - b) Bills List February 14, 2017
 - c) Bills List February 28, 2017
 - d) Financial Report January 31, 2017
 - e) Hilltown Fire Company 2017 Fire Agreement Signatures from BOS

Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to accept and approve items a) through e) on the Consent Agenda. There was no public comment.

4. CONFIRMED APPOINTMENT:
 - a) LuAnn Rittenhouse -- Requesting permission to hold a 5K Race/Walk on Saturday September 30, 2017 -- LuAnn Rittenhouse, Manager of Communications and Community Engagement for Worthwhile Wear, was in attendance to request permission to host a 5K Race/Walk on Saturday, September 30, 2017 on the certified course that was used in 2016 for Calvary's Sole Support 5K. Permission has been granted from Calvary Church to use the course. Ms. Rittenhouse has been in contact with Chief Engelhart in regards to the proposed race. Permission was granted from the Board of Supervisors for Worthwhile Wear to host the 5K race/walk on September 30, 2017.

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b) Tom Brown, Toll Brothers (Regency at Hilltown Development) – Mr. Tom Brown was in attendance to request to adjust the grading along Route 113 at the Regency at Hilltown Development by proposing additional staggered landscaped berms to keep the excess fill dirt on site. Mr. Brown stated the berms and additional plantings will add privacy and noise reduction to the homes in phase 4 that will back up to the open space along Route 313. Mr. Brown stated the existing grade is 5 ½ feet off of existing blacktop and the proposed berm would be approximately 18 feet. The Board of Supervisors was not in favor of adjusting the grading along Route 113 at the Regency at Hilltown.

5. LEGAL: Solicitor's Report:

a) Elizabeth & William Coyne Pool - Solicitor Harris gave an overview of the Zoning Hearing Board application of Elizabeth & William Coyne in regards to the variance granted that allowed a very large pile of rocks to be located within 10' of the adjacent neighbor's property line. The Coyne's attorney sent a letter suggesting a settlement removing the first layer of rocks so the pile would start five feet from the property instead of ten feet from the property line. It was the consensus of the Board of Supervisors for Solicitor Harris to defend the Zoning Hearing Board's decision and move forward with the appeal in regards to the ZHB application of Elizabeth & William Coyne.

b) Application of ESPI Investment Group, LLC – Mr. Harris stated ESPI Investment Group, LLC filed an application to the Zoning Hearing Board to change the use of the property located at 430 Fairhill Road. It is currently a machine shop and the application is to change it to a contractor's yard. There was a concern that the change would be harmful to the health, safety and welfare of the public. The suggestion was made to continue the Zoning Hearing to allow the representatives to come before the Board of Supervisors and describe what they would like to do so the Township could decide whether or not they want to oppose the application based upon the facts. Mr. Steven Boell, attorney for the applicant, stated the property has been most recently used as the Heffner Machine Tool Shop located on the 14,000 sf property. His client proposes no exterior modifications of the property. Mr. Boell stated there will be no outside storage, the hours of operation will not be 24/7 as the prior business, fabrication is very limited in scope, and there is a very limited staff. Mr. Ken Williams, President, stated they currently operate as Exterior Specialties of Pennsylvania which is medium sized, residentially based, and specializing in roofing and siding. They cater mainly to the new construction industry. The building is bigger than they need but they can put everything inside including two vehicles. Out of the sixteen employees that

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they have, twelve vehicles rarely come back to the office. In regards to the fabrication, there is no noise, odor, nor any oils involved. The grounds will be kept as they are now. Office hours are approximately 6:30 AM to 5:30 PM. There are no evening hours, they do not sell to the public, there is not a show room, and there is not people coming and going. There will be a dumpster outside. Job site trash stays on the job site locations. They sell to the builders so the material goes from the supply house directly to the job sites. The only material that comes back to the shop is left over material that they house until they have enough to be shipped out again or turn it on to the next job. Mr. Harris stated if the Board of Supervisors wish to not oppose the application, a letter could be written to the Zoning Hearing Board with the condition that there will be no outside storage and all construction vehicles be parked in the building when not being used. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously, to not to oppose the ESPI Investment Group, LLC Zoning Hearing Board application and to authorize Mr. Harris to write a letter to the Zoning Hearing Board with the condition that there will be no outside storage and all construction vehicles be parked in the building when not being used. There was no public comment.

c) Resolution No. 2017-013 Acceptance of Deed of Dedication – (Reserve at Hilltown, Phase II) – Mr. Harris stated the Deed of Dedication for the extension of Elizabeth Way at Reserve at Hilltown, Phase II was accepted on July 27, 2015 but the appropriate resolution was not recorded so that the road could be put on the liquid fuels map. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously, to approve Resolution No. 2017-013 for the Acceptance of the Deed of Dedication, Reserve at Hilltown Phase II, for the extension of Elizabeth Way. There was no public comment.

d) Discussion of Medical Marijuana Ordinance – Mr. Harris stated in Pennsylvania, medical marijuana has been approved and the Township has been approached with inquiries about growing facilities and dispensing facilities. At the present time, the general feeling is that it would be permitted in the PI District but it would make sense to add a definition of both a dispensing facility and a growing facility. Motion was made by Supervisor Benning, seconded by Supervisor Groff and carried unanimously for Mr. Harris to prepare an ordinance that would permit medical marijuana dispensing facilities as a retail use in a commercial zone, and medical marijuana growing processing facilities as a manufacturing use to be permitted in an industrial or a light industrial zone.

Public Comment: Kathy MaCaulay, 303 South Perkasio Road, asked if the marijuana can be grown indoors on a farm. Mr. Harris stated that it cannot be grown on a farm. It can be grown in an industrial zone and the State has regulations that must be followed. Ms. MaCaulay asked if the part of the farm could be zoned industrial. Mr. Harris stated it could be requested but that would be considered spot zoning which would be not permitted. Where it can be grown is a decision that is made by the municipality. If the ordinance that he drafts is adopted, than it wouldn't be a permitted use in an agricultural zone. Mr. Harris stated the process consists of the draft ordinance being submitted to the Board of Supervisors, and then it is given to the Township Planning Commission and the Bucks County Planning Commission for their review and recommendation back to the Board of Supervisors. When the Board of Supervisors receive the recommendations, then it is advertised for a public hearing. The Board of Supervisors then decide whether to adopt or not to adopt the ordinance or to adopt it with changes.

Wally Rosenthal, Rosey Lane, asked if the primary use is retail sales, and the growth is ancillary to the retail, would it be feasible to allow the PC zone to grow the marijuana. Mr. Harris stated retail makes it sound like it is recreational and it would make more sense to keep it separate.

e) Hilltown Outdoor Monument Display Operating Agreement – Mr. Harris stated he is in receipt of the executed Hilltown Outdoor Monument Display Operating Agreement and requests a motion to authorize the Board of Supervisors to execute the agreement. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to authorize the execution of the Hilltown Outdoor Monument Display Operating Agreement. There was no public comment.

6. PLANNING:

a) Engler Minor Subdivision - Mr. Wynn stated the Engler Subdivision is proposed to be subdivided into two single family detached dwelling lots with a shared access entrance off of Blue School Road. The Planning Commission reviewed the January 26, 2017 engineering review letter. The Zoning Hearing Board did not make the deed restriction on Lot 1 a condition of the zoning variance that was granted and the Planning Commission stated that was fine with them. In regards to the waiver requests, the applicant did not pay the waiver of street improvements in a prior 2005 subdivision but did pay the recreational fee. The Planning Commission left it up to the Board of Supervisors as to whether or not to require a fee in-lieu-of street improvements on the state road. In regards to the fees, Mr. Wynn recommends that no fee-

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in-lieu be required for the street improvements but agrees to the recreation fee. All other waivers were recommended for approval by the Planning Commission. The Planning Commission's recommendation to the Board of Supervisors was to approve the plan subject to all of the remaining items being accomplished per the January 26, 2017 review letter. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to grant Final approval for the Engler Minor Subdivision contingent upon Mr. Wynn's review letters dated January 26, 2017 and February 22, 2017 with the condition that the fee-in-lieu for Park & Recreation is paid but not required for the road improvements. There was no public comment.

b) Draft Zoning Ordinance Amendment - Mr. Wynn reviewed the proposed zoning ordinance amendment consisting of the deletion of mobile home as a separate use, adding a definition for lot size, revising requirements for deck and pool setbacks, and noncommercial swimming pools, revision of the accessory family residence, revision of solar energy systems, revisions of site capacity calculations, table of performance standards, and non-residential minimum lot width requirements. Chairman Bennington asked how it is confirmed that not more than 60% of any forest may be cleared or developed in certain areas. Mr. Wynn stated the trees that are preserved are shown on the plan and it is confirmed by his office. Mr. Wynn stated the Planning Commission supported the zoning ordinance amendments with the exception of the smaller lot size of 50,000 sf in the RR District for a minor subdivision. Chairman McIlhinney noted the foot note in regards to the 50,000 sf for a minor subdivision was inadvertently removed during a recent codification. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to approve the submission of the proposed zoning ordinance amendment as written to the Bucks County Planning for their review and then on the Township Planning Commission for their review.

Public Comment: Wally Rosenthal, Rosey Lane, clarified that 60% of trees are allowed to be removed in the PC district. Mr. Wynn stated the definition of forest is in the ordinance.

7. ENGINEERING:

a) Street Tree Replacement - Mr. Wynn stated last fall, the Board of Supervisor accepted a proposal by Contemporary Gardens to replace twelve dead street trees on Candace Way and Ian Court. Due to the weather and family matters, the planting of the trees were delayed but expected to be planted next month. Mr. Wynn stated he was contacted by the Homeowners Association of Hilltown Chase subdivision regarding three dead trees and their possible

replacement. Two of the trees are along Telegraph Road and one is located on the internal roadway and is not between curb and sidewalk. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to approve Contemporary Gardens to plant the three additional trees at the Hilltown Chase subdivision at the same price per tree as on Candace Way and Ian Court. Mr. Wynn stated they will not plant the same kind of trees and will be a different type of tree per the allowed list. There was no public comment.

8. UNFINISHED BUSINESS: None.

9. NEW BUSINESS:

a) Scott Drumbore – H&K – Requesting for extension of hours for March of the Concrete and Asphalt Plant at the Skunkhollow Quarry – Ms. Leslie stated H&K has requested to operate the concrete batch plant, asphalt batch plant, and the crushing plant between the hours of 6:30 pm to 6:30 am, Monday through Saturday, between March 1, 2017 and March 31, 2017, excluding holidays, for the PennDOT projects per their letter dated February 21, 2017. Motion was made by Supervisor Groff, and seconded by Chairman McIlhinney, to grant the extension of hours for the month of March per their letter dated February 21, 2017 with the exception of striking the part in the letter in regards to "and/or private customers." The motion passed 2-1 with Supervisor Bennington having the opposing vote.

Public Comment: Jim Hoffman, 217 Chandler Way, stated his recommendation to the Board of Supervisors would be to give the opportunity to the business to make a short impact statement on how things will be with these likely extended hours of duration including, ground water liquid consumption at the front end of the process, affluent discharge volumes at the back end of the process, noise levels before, during, and after the hours of operation, air particulates, and road safety. This would look out for the welfare and safety of the public. Mr. Hoffman asked how long the extension was good for.

Chairman Bennington stated the agreement states it is a temporary request by the quarry. He continued to state he came back into office in January of 2013. H&K has been asking for monthly extensions since that point in time and he has been voting it down for the three years. He stated it seems like it is a permanent situation. That is why every one of his votes for three years plus this month will be no.

Chairman McIlhinney stated there is an agreement with H&K Quarry to permit them to operate on extended hours when they have projects that require extended hours. They have projects with the State of Pennsylvania that require them to work at night and to deliver materials at night. They

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have every right to ask the Board of Supervisors every month for an extension. That is the agreement that is in writing and the Board fulfills their obligation to honor that agreement. As far as he knows, they observe all of the rules and regulations of the environment, they have been in operation for many, many years, he is sure they are state inspected, and he is sure they are not discharging anything that would be harmful to the public.

Mr. Hoffman stated he suggest that the Board gives them an opportunity to write this impact statement so that everyone has a good feeling because, right now, he does not. He is very sensitive in doing a good job and supporting the business base.

Chairman McIlhinney stated H&K has all of their state approvals and if there is a concern about their state approvals, Mr. Hoffman can take it up with the quarry or the State.

Mr. Hoffman stated this is an issue that effects everyone's life and would like to have an honest say from the business that is operating in this manner so that he knows what they think because the answer that they give in good faith are answers that make sense and are reasonable.

Chairman McIlhinney stated Mr. Hoffman should contact Scott Drumbore from H&K to schedule a tour of the quarry.

Kathy MaCaulay stated she has lived in Hilltown for twenty years and questioned how many years it has been going on that the quarry received a temporary permit for increased hours. She continued stating she has a problem with ground water.

Chairman McIlhinney stated road projects generally go by years and do not go by months. They have an agreement that states they can run 24 hours per day and ground water problems are covered in that agreement.

Mr. Harris stated H&K is on the agenda every month and on the Township website.

Supervisor Groff stated the neighbors of the quarry are not notified that H&K is on the agenda every month.

Kathy MaCaulay stated they should think of the people of the Township and that this happens over and over. She continued to state what difference does it make that she has lived here twenty years or five years. She still pays taxes to Hilltown Township, which is very high, and has the right to speak about the issue.

Mr. Harris stated more and more PennDOT projects and turnpike projects want the work done overnight so it is not to interfere with commuter traffic during the day and the contracts are requiring night time work.

Kathy MaCaulay stated times have changed with ground water, noise impact, etc. and if it has been going on for twenty years, then it should be looked at.

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Supervisor Groff stated it has not been going on for twenty years. The fact that they have the ability to vote on it monthly means it is temporary and it is not automatically given. The fact that they are giving them the extension is because they are working on State projects. In regards to ground water, H&K is covered under the Bureau of Mines. Noise is handled by agencies beyond the Township but it is being handled and looked into or H&K wouldn't be able to operate.

b) Edward Wild – Benner & Wild-Regarding Powell Property Management, 1320 Green Street - Ms. Leslie advised the Board of Supervisors that a request for a staff meeting has been received from Edward Wild from Benner & Wild regarding Powell Property Management on Green Street. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to authorize a staff meeting with Edward Wild in regards to Powell Property Management.

Public Comment: Vanessa Reed, 1222 Green Street, understands that this property has been looked at to subdivide and received a no-go on the zoning to build two additional homes. Dave Taylor has said no to the zoning and questioned if the point of the staff meeting is to see if they can overturn that current call from Mr. Taylor. Mr. Harris stated it is not black and white whether or not they can do or not do what they want. There are some open issues that need to be reviewed. The staff meeting will be to flush out exactly what is being done and how it is being proposed and come to some kind of consensus of what is allowed or not allowed to be done there. It will then be brought back before the Planning Commission at a public meeting, reviewed by the Bucks County Planning Commission, and then to the Board of Supervisors for discussion. All agendas will be on the website. Ms. Reed stated her concern is ten years from now, everyone hates each other, it turns into a rental property, and changes the whole atmosphere of a rural community. It was noted that is also a concern with the Supervisors. Ms. Reed also noted they are concerned about water since they are all on private wells.

c) Hallmark Homes – Ms. Leslie advised the Board of Supervisors Hallmark Building Group requested a staff meeting for a twelve lot subdivision off of Orchard Road and Tall Oaks Road. Motion as made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to authorize a staff meeting with Hallmark Building Group. There was no public comment.

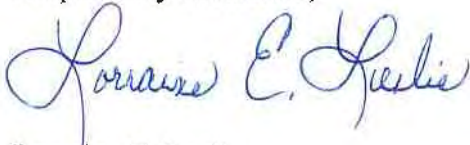
d) Roof Replacement on the salt shed – Ms. Leslie stated the salt shed was damaged during the last wind storm and is in need of a new roof. Ms. Leslie stated she has received two proposals least of which is with TJ Wambold in the amount of \$7,512.00 to replace the entire roof.

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Motion made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to award TJ Wambold \$7,512.00 to replace the salt shed roof. There was no public comment.

10. SUPERVISOR'S COMMENTS:
11. PUBLIC COMMENT: None.
12. PRESS CONFERENCE: None.
13. ADJOURNMENT: Upon motion by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously, the February 27, 2017 Hilltown Township Board of Supervisors meeting was adjourned at 8:10 PM.

Respectfully submitted,



Lorraine E. Leslie
Township Manager

(*NOTE: These minutes were transcribed from notes and recordings and should not be considered official until approved by the Board of Supervisors at a public meeting).