

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
REGULARY SCHEDULED MEETING  
MONDAY, DECEMBER 11, 2017**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman John B. McIlhinney at 7:05 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 Steve Harris, Township Engineer C. Robert Wynn, and Chief of Police Christopher Engelhart.

1. ANNOUNCEMENTS: Chairman McIlhinney stated there was an executive session prior to the meeting to discuss litigation and personnel matters.
2. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.
3. CONSENT AGENDA:
  - a) Minutes of the November 13, 2017 BOS Meeting
  - b) Financial Report November 30, 2017
  - c) Bills List November 28, 2017
  - d) Bills List December 12, 2017
  - e) 2018 Perkasio Fire Company Agreement
  - f) 2018 Sellersville Fire Company Agreement
  - g) 2018 Telford Fire Company Agreement

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

4. CONFIRMED APPOINTMENT: None.
5. LEGAL: Solicitor's Report:
  - a) Signing the Acceptance Resolution for the Deed of Dedication of Internal Roads in Hilltown Walk – Solicitor Harris stated at the last meeting there was a resolution accepting the Dedication for Hilltown Walk that was not signed. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to accept and authorize the execution of Resolution 2017-022 for the Dedication of Hilltown Walk. There was no public comment.

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b) Approval and signing Agreement to Substitute Financial Security for Hilltown Walk – Solicitor Harris stated Hilltown Walk would like to substitute a maintenance bond for their set aside loan for the project that has been finalized. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to approve the agreement to substitute financial security under the dedication agreement for Hilltown Walk by Resolution 2017-023. There was no public comment.

c) Discussion of Appeal of Coyne-ZHB decision – In regards to the Coyne ZHB decision, Solicitor Harris stated the Court of Common Pleas reversed the Zoning Hearing Board decision and questioned if the Board of Supervisors would like him to file an appeal to the Commonwealth Court. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously for Solicitor Harris to file the appeal for the Coyne ZHB decision to the Commonwealth Court. There was no public comment.

d) Resolution 2017-021 Casino Gaming Law – Solicitor Harris stated the legislature enacted a law that authorized ten new Category 4 licensed facilities for small casinos. The Act allows municipalities to opt to prohibit those kinds of facilities when they are within the Township's boundaries. Resolution 2017-021 will allow the Township to prohibit these facilities but may be changed in the future by another resolution to allow the facilities. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to approve and authorize the execution of Resolution 2017-021 to prohibit small casinos in Hilltown Township per the Casino Gaming Law. There was no public comment.

Additional items for discussion by Solicitor Harris:

e) ZHB 2017-018, WBG Properties: Solicitor Harris stated this hearing, located at 709 Schwenkmill Road, is scheduled for January 4, 2018 with the applicants requesting relief from steep slopes and disturbance of woodlands. Mr. Jason Smeland, the applicant's engineer, discussed the property in detail. The Board of Supervisors stated they do not wish Solicitor Harris to attend the hearing.

f) ZHB 2017-017, David & Laura Christensen and Donald Martin: Solicitor Harris stated this hearing, located at 3323 Spur Road, is scheduled for December 21, 2017 with the applicants proposing to develop the property for offices and associated parking and storage for their waterproofing company and requesting relief from G5, Contracting as a not permitted use in the PC-1 zoning district. Chairman McIlhinney stated the applicants, for now, would like a place

to park their trailers. The applicants were informed that the trailers could be parked for 6 months but they would like to park the trailers for up to five years. The Board of Supervisors unanimously agreed for Solicitor Harris to attend ZHB 2017-017 on December 21, 2017 to oppose five year's worth of trailers parked on the property.

f) ZHB 2017-013, Garlan Properties: Solicitor Harris stated last week Garlan Properties was scheduled in front of the Zoning Hearing Board. There were attorney's representing the applicant, the Township, and Chief Engelhart, who is a neighbor. The basic agreement that was reached was the applicant would stop using the garage space and the yoga space by December 31, 2017 and it will remain vacant until some other use is approved by the Township. The medical use of the property is limited to the ZHB decision that they already have. There was an issue regarding parking on the parent's property and the addition of approximately 200 sq. ft. of additional impervious surface. It is roped off to prevent use of that property until such time as it is approved by the Township through an additional zoning hearing board approval or a land development plan approval. In addition, they will have to use their best efforts to prevent lighting spillover and come in compliance with the Township's ordinance that prevents lighting spillover. Any future use must obtain Township approval. If approved by the Township, then the Zoning Hearing Board application will be revoked and they will have to go back in front of the Township with a specific use. Motion was made by Supervisor Bennington and seconded by Supervisor Groff, to accept the agreement that was worked out between the attorneys for the Garlan Properties.

Public Comment: Kevin Walsh, 1277 Rout 113, stated he is concerned with the agreement in relation to 1279 which is the property that is owned by the parents which is directly next to his. Photographs were submitted illustrating rocks that were brought into the property back in May. They were distributed during a time of day when no one was able to call the Township to alert them that the rock was being spread out. In a sneaky fashion and on a weekend, it was spread onto an area that had been grass prior. This area was used as a parking lot throughout the summer months for the property at 1281, The Pennridge Wellness Center. There were, at times, as many as 20 cars parked back there at the property at 1279. Throughout the winter months, all of the plowed snow ended up at 1279 and right behind his property. He has snow melt issues running onto his property along with the pushing of the rock has gradually taken all of the grass away. Effectively, she has re-graded the property to re-direct water towards his property with this rock. He is asking the Township to consider these facts. There has been citations issued pending the Zoning Hearing Board meeting but she is still in violation and should be brought into compliance in regards to this rock issue.

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Solicitor Harris stated 1279 is not the subject of the enforcement action. It was brought against 1281.

Zoning Officer, Dave Taylor, stated, at the same time, he cited both Garlan properties that are owned by two different owners. They had expanded their parking onto the residential property which is 1279. The 1279 property was cited in regards to Mr. Walsh's concerns, however, since there were two different property owners involved and Dr. Garlan was going to the Zoning Hearing Board at that time to appeal the issues on 1281 and was going to work towards having a plan to resolve some of the problems, he agreed, per a gentlemen's agreement with her and her attorney, that they would rope off the two properties so there would be a barrier restricting cross contamination of parking. That would remove the parking violation that had been cited for the property and he agreed to hold the impervious violation in abeyance until these other issues were resolved and/or a plan was put together. Mr. Taylor stated he has not been pursuing it at this time. He continued to state Dr. Garlan has not been upholding her side of the agreement so he will be pursuing the impervious surface violation on 1279. However, there is parking in support of the Wellness Center occurring on 1279. She has reconfigured her barrier. It was brought to her attorney's attention on Friday but it has not been fixed.

Chairman McIlhinney asked if this was the same property that was in six or eight years ago for almost the same thing; combing the use of two properties.

Dave Taylor stated he has had discussions with the Garlans before regarding impervious surface issues, but does not recall the specific violations.

Solicitor Harris stated, for the purpose of the application that was pending, it was resolved by the applicant agreeing to vacate the space. The issue resolving 1281 has been satisfactorily resolved and the Township should go back to the 1279 issue and pursue it again.

Dave Taylor stated he would personally like see the 200 square foot of impervious surface go back to green space because that will act as a harrier between the two properties and would eliminate any future problem.

Solicitor Harris stated he will go back and tell the Zoning Hearing Board the 200 square feet has to be returned to grass, and Mr. Taylor will be pursuing the parking lot issue on 1279. Solicitor Harris clarified the motion to state: approve the resolution of 1281 with the applicant stopping the use of the garage space and yoga space by December 31, 2017, the medical use will be limited to the Zoning Hearing Board decision, the 200 square feet of impervious surface will be returned to grass, they will use their best efforts to bring the lighting back into compliance, and any future use of the property must obtain Township approval.

Jason Smeland stated the owners contacted him to help with the situation and he will start looking at some of the issues.

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Chris Engelhart stated there has been some modification to the lighting that was done on Friday and it has greatly improved, although not perfect.

Supervisor Bennington made the motion consisting of Solicitor Harris's paraphrased statement, seconded by Supervisor Groff and was carried unanimously. There was no public comment.

6. PLANNING:

a) Griffo Tract Subdivision – Mr. Wynn stated the Griffo Tract Subdivision consists of two properties located in Perkasio Borough and the Township and is proposed to be subdivided into three lots. One lot will continue to be partially located in Hilltown and partially located in Perkasio because of the existing structures, one lot will be entirely within Perkasio, and the other lot, subject to a Zoning Hearing Board approval, is a 10+ acre flag lot that is located in Hilltown Township. Per the engineering letter dated September 29, 2017, the Planning Commission recommended preliminary/final approval at their meeting on November 20, 2017 including the waivers for the capital contribution in lie-of-street improvements, the recreation fee, and the deferral of erosion and sedimentation control plan and stormwater management requirements until building application submission. The Planning Commission also agreed a Declaration of Covenants, Conditions, and Restrictions should be prepared by the Township Solicitor and recorded at the Bucks County Courthouse so future owners would know their responsibility. Mr. Jason Smeland, Lenape Engineering, stated the applicant will comply with Mr. Wynn's review letter dated September 29, 2017. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to approve the Griffo Tract Subdivision contingent upon Mr. Wynn's review letter dated September 29, 2017. There was no public comment.

7. ENGINEERING: Mr. Wynn stated the Fairhill School Road culvert structure is in except the guiderail and paving which, if weather permits, will occur next week. If it is not warm enough to put a wearing course down, it will be done in the spring.

8. UNFINISHED BUSINESS: None.

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9. NEW BUSINESS:

a) Scott Drumbore – H&K – Requesting for extension of hours for January of the Concrete and Asphalt Plant at the Skunkhollow Quarry – Chairman McIlhinney 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 January 2, 2018 and January 31, 2018, excluding holidays, for the PennDOT projects per their letter dated December 4, 2017. Motion was made by Supervisor Groff, and seconded by Chairman McIlhinney, to grant the extension of hours for the month of January for the Concrete and Asphalt Plant at the Skunkhollow Quarry per their letter dated December 4, 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. There was no public comment.

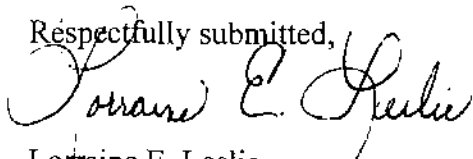
10. SUPERVISOR'S COMMENTS: Supervisor Bennington thanked his fellow Supervisors, Manager, Engineer, Solicitor, Administrative Staff, the Police force, Public Works Department, and all of the Boards and Authorities for a great 2017 and he is very appreciative of all of the support. Chairman McIlhinney thanked his fellow Supervisors and Administration, as well as the public, and wishes them all a Merry Christmas and Happy New Year. Supervisor Groff stated it has been a good year, they got a lot done, and he is proud of that. He continued to wish everyone a Happy Holiday.

11. PUBLIC COMMENT: None.

12. PRESS CONFERENCE: Bob Keeler, News Herald, asked for a copy of the 2018 budget. Chairman McIlhinney stated the millage remains at 8.75, and 2018 brings another balanced budget with no tax increase and no debt.

13. ADJOURNMENT: Upon motion by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously, the December 11, 2017 Hilltown Township Board of Supervisors meeting was adjourned at 7:40 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).