

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
REGULARY SCHEDULED MEETING  
MONDAY, OCTOBER 23, 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 Steve Harris, Township Engineer Timothy Fulmer, and Lt. Detective, Randall Tanghe.

1. ANNOUNCEMENTS: Chairman McIlhinney stated there were no executive sessions.
2. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.
3. CONSENT AGENDA:
  - a) Minutes of the September 25, 2017 BOS Meeting
  - b) Minutes of the October 12, 2017 Budget Work session Meeting
  - c) Bills List October 10, 2017
  - d) Bills List October 24, 2017
  - e) Financial Report September 30, 2017

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

4. CONFIRMED APPOINTMENT:
  - a) Bucks County Bridge #21 (Rickert Road) – Project Presentation – Mr. Daniel Nolan, from the engineering firm of Taylor, Wiseman & Taylor, was in attendance to present the proposed project for the Rickert Road Bridge over Morris Run. The project was initiated by Bucks County due to the deteriorated condition of the bridge. The County requested State and Federal assistance to help fund the project. This initiated PennDOT’s involvement in reviewing and improving project design to ensure that all federal standards are met. They are currently in the preliminary engineering phase which determines the basic details of the project. Once this phase is completed they will move into final design and then develop the contract documents needed for construction. Because the bridge is eligible for the National Register of Historic Places, the project is subject to the Section 106 consulting party process. As part of the process, a rehabilitation feasibility analysis was completed which determined that the existing bridge cannot be rehabilitated to meet the project purpose in need. Once the rehabilitation analysis was completed, an alternative analysis was performed which showed that the preferred alternative was a bridge

replacement on the existing alignment. These documents were reviewed by the consulting parties. Currently, a Memorandum of Agreement is being finalized to explain the measures for the project. As a result of the Section 106 process, the new bridge will be similar in appearance to the historic bridge and will be a single span, pre-cast culvert arch. The bridge will have a vertical face power pit to facilitate mounting the original 1908 Morris Run Bridge plaque. About 1,000 feet of the roadway will be replaced to accommodate the bridge. The approaches will be raised to eliminate the sub-standard stopping site distance created by the existing perched bridge condition. Guiderails will be added to the ends of the bridge power pits to improve safety. The guiderails will have a brown coating to better blend in with the rural setting. The current roadway is about 18' to 20' wide. The proposed roadway will have a 24' wide travel way to allow for two way traffic over the bridge. Four foot wide paved shoulders will be added to enhance safety. To help minimize the site impacts of the project, Hilltown Township passed an ordinance to reduce the speed limit from 45 MPH to 35 MPH. This has allowed a reduction in the magnitude of the raised roadway profile which also reduces the construction footprint. The increased width of the roadway and foundations of the new bridge will require acquisition of minor right-of-way takes. Property easements will also be needed for embankment slopes, drainage, and construction. Completion of preliminary design is scheduled for the end of this year. Final design will be completed by July of 2018. Award of the contract will occur in the 3<sup>rd</sup> quarter of 2018 and construction should be completed in the 3<sup>rd</sup> quarter of 2019. The preliminary cost estimate is approximately 1.5 million dollars. Supervisor Bennington stated the residents of Hilltown deserve to know why it took so long to do this project. Mr. Nolan stated there are many facets to any project that is in the design phase such as permitting, environmental process, and design considerations. He continued to state this bridge is historic and it has to go through the Section 106 process which entails studies, reviews, consulting parties meetings, gathering of comments, and responses to the comments which occurs at every step of the process. In this case, this process took an extended period of time with the twenty consulting parties. Supervisor Bennington questioned how many other bridges took eight years. Sidney New, Penn Dot's project manager, stated because the bridge is declared eligible for the register, they have to go through a multi-step process. The consulting parties have to be identified. Anyone who has an interest in the bridge is allowed to be a consulting party. Several of the consulting parties are not living in the Township and probably may never have driven across the bridge. They have a right, under the Federal Law, to become a consulting party and on several occasions when they had to have these meetings, people have spoken up and

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said they do not want the bridge removed, they felt the bridge is historic, and that it contributes to the setting there. PennDOT has had to respond to their letters with lengthy explanations of why they are doing what they are doing. That has happened multiple times throughout this process to get to the point to where they are now and that is why it has taken so long. Chairman McIlhinney asked if they can speed it up. Mr. New stated they have to follow the rules, otherwise, the County will not be able to receive the Federal and State funding to be able to do the project. This oversight cannot be bypassed, otherwise the County will not be eligible for the money and could potentially be set up for a law suit. Chairman McIlhinney questioned if there are any more opportunities for people to delay the project. Mr. New stated the Section 106 process is 95% done. A Memorandum of Agreement was sent out this summer which explains what they are going to do. They received comments back from the consulting parties stating they would like them to make some changes. PennDOT is in the process of making those changes and then it will go back out by the end of the month to the consulting parties. By law, they have 30 days to respond. Approximately, by the end of November, they will be done with the Memorandum of Agreement and it will be sent out and signed by the appropriate parties. This process should be done by the end of the year, and, at that point, they can complete the preliminary engineering phase. There will be no more consulting party meetings for the project at that point. The project will then move into the final design phase and they are doing everything they can to shorten the amount of time that final design phase normally takes so they can complete the project. Supervisor Bennington stated the whole process really aggravates him. Supervisor Groff asked if the project is 100% funded. Mr. New stated it is fully funded and noted the presentation boards of the bridge will be left with the Township for the residents to view.

b) Shawn Velez – 34 Paige Trail – Mr. Velez was not in attendance but Supervisor Groff stated Mr. Velez contacted him with the invoices in the amount of \$200.00 for the five mowing's of the open space parcel at Hilltown Chase. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to approve the payment of \$200.00 for the five mowing's of the open space parcel at Hilltown Chase. There was no public comment.

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5. LEGAL: Solicitor's Report:

a) Gray Tract Subdivision – Solicitor Harris stated he has received the fully executed Declaration of Covenants, Conditions, and Restrictions for the Gray Tract Subdivision and Mr. Wynn's office has the executed plan to be recorded. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to authorize C. Robert Wynn Associates to record the plan and Solicitor Harris to record the Declaration of Covenants, Conditions, and Restrictions for the Gray Tract Subdivision. There was no public comment.

b) Hilltown Walk – Maintenance Bond – Solicitor Harris stated they are ready to accept dedication of the improvements in Hilltown Walk. Initially DeLuca was going to leave the money in escrow that is currently on account with the Bank of Princeton. They want to be able, at some time in the future, to transition to a maintenance bond and have the funds that are in escrow released. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously authorizing the replacement of the cash escrow fund for Hilltown Walk held by the Bank of Princeton with a maintenance bond in the amount of \$332,692.00 provided that the maintenance bond is in a form that is acceptable to the Township. Supervisor Groff questioned if there is anything in the Municipal Planning Code in regards to bond rating. Solicitor Harris stated there is not. There was no public comment.

c) Solicitor Harris questioned if the Board of Supervisors wished him to go to the assessment appeal hearing for NOVA for tax exempt status. Chairman McIlhinney stated they are a business that is competing with other businesses and selling merchandise and they should pay taxes. Supervisor Bennington stated he believes they are non-profit and the funds go to benefit victims. Chairman McIlhinney stated most of their funds go to salaries. Solicitor Harris stated he believes NOVA is mainly services to victims providing support facilities and attending hearings for victims as opposed to compensation to victims. Supervisor Bennington stated that is why their expenses are heavily loaded towards salaries because the people who are being paid the salaries from the profits that they make are going to provide counselling services and assistance to victims who go to court. Chairman McIlhinney stated there are 21 people on their Board of Directors and 39 people who are volunteers. NOVA stated that none of their volunteers get paid. The only people who are on the books are the 21 people who are directors; some who live as far away as Scottsdale, Arizona. After discussion, the Board of Supervisors agreed for Solicitor Harris to attend the assessment appeal hearing for NOVA and report the status back to the Board. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously for

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Solicitor Harris to attend the Bucks County Board of Assessment Appeal hearing for NOVA's tax exempt status and report back to the Board of Supervisors. There was no public comment.

d) Solicitor Harris stated he received ZHB 2017-016, 1125 Petrick Lane, for a proposed in-ground swimming pool, patio, and covered deck with the proposed construction resulting in an impervious surface ratio of 19.7% rather than the permitted 15% maximum. The Board of Supervisors agreed to not have Solicitor Harris attend the hearing.

6. PLANNING:

a) Bean Property Minor Subdivision – No one was present for the project but Township Engineer, Timothy Fulmer, gave a brief synopsis of the project. No action was taken.

b) Thompson Property Minor Subdivision – No one was present for the project but Township Engineer, Timothy Fulmer, gave a brief synopsis of the project. No action was taken.

7. ENGINEERING: None.

8. UNFINISHED BUSINESS: None.

9. NEW BUSINESS:

a) Scott Drumbore – H&K – Requesting for extension of hours for November 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 November 1, 2017 and November 30, 2017, excluding holidays, for the PennDOT projects per their letter dated October 18, 2017. Motion was made by Supervisor Groff, and seconded by Chairman McIlhinney, to grant the extension of hours for the month of November for the Concrete and Asphalt Plant at the Skunkhollow Quarry per their letter dated October 18, 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.

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b) Wynnefield Estates Street Trees – Mr. Fulmer stated a complaint was received in regards to dead street trees in the Wynnefield Estates development which is quite a few years old and is well out of the maintenance period. There are 48 trees that require replacement at \$500.00 each for a cost estimate of \$24,000.00. Mr. Fulmer continued to state the question before the Board is whether or not they would wish to allocate that amount of money to replace the trees, do something else, or do nothing at all. Chairman McIlhinney stated there are plenty of places throughout the Township that have trees that are dying. The Board of Supervisors agreed that they will not replace the trees but if the trees are dying, they will remove the trees that are along the road in the right-of-way. The Board also suggested that the homeowners plant new trees on their property outside of the Township right-of-way and away from the overhead wires.

c) Robert Showalter- Requesting a Staff Meeting for Sam Braccia – Hilltown Pike – Ms. Leslie stated a staff meeting request has been received from Robert Showalter in regards to Sam Braccia's property located on Hilltown Pike and the escrow has been posted. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to approve the staff meeting with Robert Showalter. There was no public comment.

d) Pedro Moura – 160 Nettles Lane – Requesting to install a fence within a Stormwater easement – Mr. Tim Fulmer stated he reviewed the plot plan for the fence request at 160 Nettles lane and it is his understanding the fence will encroach approximately 4 feet into a 10 foot wide easement located on his property that is dedicated for stormwater improvements including storm sewer piping and inlets. The plot plan shows the fence will not be located directly over the pipe. Solicitor Harris will draft an agreement stating the homeowner understands it is at his expense and sole responsibility if the fence has to be removed for any access issues for the Township. It is also required that the fence be removable and black aluminum. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to grant the placement of a fence in the stormwater easement by Mr. Pedro Moura providing he executes the agreement that will be provided by Solicitor Harris. There was no public comment.

10. SUPERVISOR'S COMMENTS: Supervisor Bennington reminded everyone to vote on November 7<sup>th</sup>. He also stated the Hilltown Township ad was in the Honor Flight Magazine.

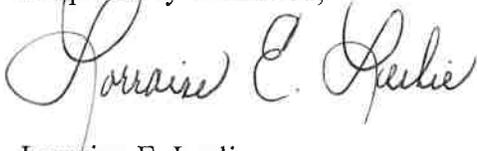
11. PUBLIC COMMENT: Jim Hoffman, 217 Chandler Way, questioned the Board of Supervisors on the status of the Comprehensive Plan review. Chairman McIlhinney stated the Comprehensive Plan is still under review by the Board of Supervisors.

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12. PRESS CONFERENCE: None.

13. ADJOURNMENT: Upon motion by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously, the October 23, 2017 Hilltown Township Board of Supervisors meeting was adjourned at 7:35 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).