

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
REGULARLY SCHEDULED MEETING  
MONDAY, OCTOBER 28, 2019**

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 Ken Bennington, Supervisor James Groff, Township Manager Lorraine Leslie, Chief of Police Christopher Engelhart, Township Solicitor Stephen Harris, Township Engineer C. Robert Wynn, and Finance Director Marianne Egan.

1. ANNOUNCEMENTS: Chairman McIlhinney announced there was an Executive Session prior to the meeting to discuss legal and real estate matters.
2. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.
3. CONSENT AGENDA:
  - a) Minutes of the October 14, 2019 Board of Supervisors Meeting
  - b) Bills List – October 29, 2019

Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to accept and approve items 3. a) and 3. b) on the Consent Agenda as written. There was no public comment.

4. CONFIRMED APPOINTMENT: None.
5. LEGAL – SOLICITOR’S REPORT: None.
6. PLANNING:
  - a) Ely Lot Line Adjustment – 2613 Hilltown Pike: Mr. Wynn stated the Planning Commission recommended final approval for the Ely Lot Line Adjustment plan for the re-adjustment of three lots that was the Florence Simons subdivision from 1982, contingent upon the items contained in the engineering review letter dated September 30, 2019 and reserve septic systems locations that are approved by the Bucks County Health Department be shown on the final plan. Cheryleen Strothers, Cowan & Associates, stated the applicant will comply with all of the items shown in Mr. Wynn’s review letter and are waiting for written verification from the Bucks County Health Department for the approved septic system locations. Ms. Strothers confirmed documentation was located stating, in 1982, the Township did take fee simple dedication of the right of way of the road and she will be submitting the deed to Mr. Wynn’s office. Chairman

McIlhinney stated his concern is that thirty-seven years is a long time before the individual lots are recorded and why does the applicant expect to not pay the park and recreation fee. Ms. Strothers stated the plan was recorded, the three lots do exist, but the Board of Assessments do not apply new tax parcel numbers to the lots until one of them is sold unless the current owner requests them to be established. Chairman McIlhinney stated once a lot is subdivided and recorded, the Board of Assessments assesses accordingly, it is no longer considered farmland, and is considered building lots and the rate goes up. Thirty-seven years of not being considered lots means the increase taxes were not being paid. Chairman McIlhinney continued to suggest the park and recreation fee be paid on the lots when the lots are developed. Mr. Ben Ely stated it was his understanding under Act 319, they are allowed to do one building lot and continue to maintain the property as farmland. Chairman McIlhinney reiterated the park and recreation fee should be paid because the intention is to build on the other two lots, and this has been for other residents who have taken a lot off of their farm to develop and were required to pay the park and recreation fee. Mr. Ely agreed to pay whatever the park and recreation fee is at the time for each lot at building permit. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to approve the Ely Lot Line Adjustment contingent upon Mr. Wynn's review letter dated September 30, 2019 and the Park and Recreation fee be paid at the current rate for each lot at the time of the building permit. There was no public comment.

b) Henofer Tract Subdivision – Fairhill/Fairhill School Road & Keystone Drive: Mr. Wynn stated the Planning Commission recommended final plan approval for the Henofer Tract Subdivision contingent upon the items contained in engineering review letter dated October 4, 2019 and the response letter dated October 18, 2019 from Fox Rothschild. Solicitor Robert Gundlach stated Mr. & Mrs. Henofer is proposing to subdivide the property into eight lots, will comply with all of the items listed in Mr. Wynn's review letter, and requesting final plan approval for the project. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to grant approval for the Henofer Tract Subdivision contingent upon the items contained in Mr. Wynn's review letter dated October 4, 2019. There was no public comment.

c) AutoZone Land Development – Route 113/County Line Road: Mr. Wynn stated the Planning Commission recommended preliminary and final plan approval for the AutoZone contingent upon the items contained in the engineering review letter dated October 10, 2019. Mr. John Kornick stated the applicant will comply with all of the items contained in Mr. Wynn's review letter with one correction that the capital contribution in lieu of be for eight waived trees instead of seven. Supervisor Bennington stated the motion needs to be contingent upon the property being

Page 3

Board of Supervisors

October 28, 2019

maintained because it is a disgrace. Mr. Kornick stated they are aware of the condition of the property. The owner commissioned with Mr. Roundtree (AZ Souderton) to treat and cut the property and will be sure it is maintained while they seek outside agency approval. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to grant preliminary and final approval to AutoZone Land Development contingent upon the items contained in Mr. Wynn's review letter dated October 10, 2019 and the continued upkeep of the property during the whole project process. Solicitor Harris clarified if the property is not taken care of, an enforcement notice will be filed. Mr. Wynn added the Township does not have a Property Maintenance Ordinance. There was no public comment.

d) NPWA Land Development Waiver – 2009 Clearview Road: Mr. Wynn stated the Planning Commission recommended a land development waiver for North Penn Water Authority located at 2009 Clearview Road contingent upon the items contained in the engineering review letter dated September 26, 2019. Mr. Mike Shea stated the project consists of a 15 x 20-foot precast concrete building which will house two 7 ½ horsepower pumps and an onsite back-up generator. The pumping station will increase domestic water pressure to approximately three dozen Hilltown Township customers. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to grant a waiver of land development for the North Penn Water Authority project located at 2009 Clearview Road contingent upon Mr. Wynn's review letter dated September 26, 2019. There was no public comment.

7. ENGINEERING:

a) The Preserves Subdivision: Mr. Wynn stated the maintenance period was completed for the Preserves Subdivision in May of 2018 but the NPDES Notice of Termination was not received. Mr. Wynn continued to state it has since been received from the Bucks County Conservation District on behalf of DEP indicating the NPDES Permit has been terminated as of September 13, 2019 and recommend the Township accept the completion of the maintenance period and release the remaining funds to Toll Brothers. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to accept the completion of the maintenance period for the Preserves Subdivision and release the remaining funds to Toll Brothers. There was no public comment.

b) Pedestrian Path Clearing Proposals: Mr. Wynn stated two clearing proposals for the trees for the pedestrian path on the Walter property have been received: Victory Gardens - \$13,800 for the clearing and \$8,500 for stump grinding and JF Landscaping - \$8,770 for the clearing and \$3,900 for the stump grinding. Mr. Wynn stated he recommends the Township accept the JF Landscaping proposal in the total amount of \$12,670 for the tree removal and stump grinding. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to accept the JF Landscaping proposal in the total amount of \$12,670 for the tree removal and stump grinding for the pedestrian path on the Walter property. There was no public comment.

8. UNFINISHED BUSINESS: None.

9. NEW BUSINESS:

a) Scott Drumbore: H&K – Request for extension of hours for the month of November of the Concrete & Asphalt Plant at the Skunk Hollow 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, 2019 and November 30, 2019, excluding holidays, for the PennDOT projects per their letter dated October 17, 2019. 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 17, 2019 with the exception of striking the part in the letter in regard 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 stated he wants to set the record straight in regard to an email from a Philadelphia Inquirer writer on October 15, 2019 and the gist of the article is "Hi from the Philadelphia Inquirer" and "Why are you stepping down as Supervisor", would you give me a call . . . 267-908-0431. He called her back and she never called him back. He found it interesting the article in the newspaper indicated Chairman McIlhinney did not respond to her request for comment nor did Supervisors Groff or Bennington. Supervisor Bennington stated he was not allowed an opportunity to provide a comment because she never called him back. He continued to state he is always willing to provide a comment. The comment would have been very generic, but it would still have been a comment so don't say that he didn't

Page 5

Board of Supervisors

October 28, 2019

offer a comment when he wasn't even offered an opportunity to provide a comment. Chairman McIlhinney stated he never received any phone call and he is in the phonebook.

11. PUBLIC COMMENT:

Chuck Kulesza, 2112 Diamond Street, commented on the article in the Philadelphia Inquirer and questioned the article's opinion that the Board of Supervisors is treating Tabora more harshly than other agribusinesses and other businesses in general with regard to building and zoning regulations. He questioned if the article is true in regard to the Supervisors being fair because Hilltown has a pretty good reputation as far as fairness from the Board of Supervisors as long as he has been in the Township. He continued to speak about a newly elected Supervisor from 20 years ago who tried to re-zone his 10 acres of property that was in the RR Zoning District for some intense development that raised questions on conflicts of interest and ethics, recusing himself, and eventually resigning from the Board. He continued to state he hates to see the Township go through all of that again and hoped the Supervisors can provide comment on the possible difficulties the Board of Supervisors face when one of the three Supervisors has to recuse himself or herself and when one of the Supervisors has zoning issues.

Chairman McIlhinney stated, as a Board and as a Township, they treat every resident the same. They do not have any special rules for some people and different rules for other people. The Board expects all the citizens of the Township, in their dealings with the Township, that they will honor and obey all the codes, rules, regulations, and everything else that is required of a good steward of the Township.

Solicitor Harris stated his experience in dealing with Dave Taylor is that he treats everybody the same. He has never seen him play a favorite or be unfair with somebody. Solicitor Harris continued to state the Pennsylvania Law prevents anyone who may benefit financially from a decision made by a municipality in which he or she serves, has to recuse themselves from voting. Chuck Kulesza, 2112 Diamond Street, stated right after the tumultuous time when the past Supervisor had the conflicts, there was tremendous growth in the Township. He's concerned that the Township won't go through this again. He continued to state it is good to hear that the Supervisors are being fair, but he doesn't know if that will keep the developers at bay.

Chairman McIlhinney stated they are not in the business of keeping developers at bay. The Township has zoning ordinances and other ordinances and, if they are complied with, then, the project will proceed. If the ordinances and codes are not complied with, then, the project won't proceed.

Page 6

Board of Supervisors

October 28, 2019

Chuck Kulesza, 2112 Diamond Street, stated there are many 10 acre lots and he does not think the Township could handle intense development going on all of the 10 acre lots. If one lot gets to do something, to be fair, then another 10-acre lot should be able to do the same thing.

Chairman McIlhinney stated no two pieces of land are the same, but, basically, a 10-acre lot could be further subdivided into three-acre zoning which the Township currently has. This is much better than other Townships that have 5,000 sq. ft. lots and they fill in everyplace they can possibly fill in. That is why Hilltown Township has a rural atmosphere because there are three acre lots and larger, and that is what the residents prefer.

Chuck Kulesza, 2112 Diamond Street, agreed with Mr. McIlhinney and stated residents prefer lower traffic. The Township needs to maintain zoning that keeps the traffic for neighborhoods and not for business inside the Township.

Chairman McIlhinney stated fortunately, the geography of the Township has Route 313 and Route 309 carrying the bulk of the commercial and industrial areas and, that way, the interior of the Township can rely on basically nice landscape.

Barbara Geitz, 434 Longleaf Drive, reminded everyone that back in 2013 with the trash transfer, Jon Apple was on the Planning Commission and he also worked for the trash company and he recused himself.

Chairman McIlhinney stated that was the appropriate thing to do.

Rachael Egan, 5 Florence Circle, questioned if a Supervisor recuses himself/herself and that leaves two people voting, how is the tie broken?

Chairman McIlhinney stated there is no breaking a tie so it does not move forward which is not the best situation, but it is better than making a decision that may be the wrong decision.

Supervisor Bennington stated if he votes no to the quarry and Jack votes yes to the quarry and Jim is not present, then there is no decision for the quarry.

Caleb Torrice, 1104 Upper Stump Road, stated he is going to refrain from comment as far as what he thinks if the Township is fair or not fair as they all know what he thinks. As far as the article, he did not write it. He is sorry she didn't call anybody back. He had no idea what the article was going to look like till it came out and he was equally as shocked to see it.

Chairman McIlhinney stated Mr. Torrace was quoted.

Caleb Torrice, 1104 Upper Stump Road, stated he answered questions, but he did not write the article and just wanted to make that clear.

12. PRESS CONFERENCE: None.

Page 7  
Board of Supervisors  
October 28, 2019

13. ADJOURNMENT: Upon motion by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously, the October 28, 2019 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).