

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
TUESDAY, MAY 26, 2020**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman John McIlhinney at 7:03 PM and opened with the Pledge of Allegiance. Also in attendance were Vice Chairman James Groff, Supervisor Caleb Torrice, Township Manager Lorraine Leslie, Chief of Police Christopher Engelhart, Township Engineer C. Robert Wynn, Township Solicitor Steve Harris, and Finance Director, Marianne Egan.

1. ANNOUNCEMENTS: Chairman McIlhinney stated there were no Executive Sessions since the prior meeting but there may be one after the meeting.
2. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.
3. CONSENT AGENDA:
 - a) Minutes of the April 27, 2020 Board of Supervisors Meeting
 - b) Bills List – May 12, 2020
 - c) Bills List – May 27, 2020
 - d) Financial Report April 30, 2020

Motion was made by Vice-Chairman Groff, seconded by Supervisor Torrice and carried unanimously to accept and approve items 3(a) thru 3(d) on the Consent Agenda as written. There was no public comment.

4. CONFIRMED APPOINTMENT:

a) Ms. Carrie Nase-Poust: Schedule Hearing on Request for Text Amendment for the Venue at Hilltown: Solicitor Harris gave an overview of the status of the project since the Planning Commission meeting on May 18, 2020 noting the following: A hearing for the text amendment can be scheduled resulting from the Planning Commission meeting. Ms. Nase-Poust is present to request to schedule the hearing and Mr. Harris suggested the motion would be to schedule the hearing at the June Board of Supervisors meeting. The motion is not to discuss the merits of the project one way or another, it is simply that the Municipalities Planning Code requires that a public hearing be held on any request for a text amendment to the Zoning Ordinance.

Motion was made by Supervisor Torrice, seconded by Vice-Chairman Groff and carried unanimously to hold a hearing for the text amendment for the Venue at Hilltown. There was no public comment.

In regard to how the hearing should be conducted, Mr. Harris stated a lot of paperwork has been exchanged in the form of reports from the applicant, documents from those who are opposed to the application, traffic reports, and detailed minutes of the Planning Commission meeting. Mr.

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Harris discussed several suggestions:

1. Allow the applicant, who bears the burden of going forward, a half an hour to make their presentation.
2. Allow those in opposition to make their half an hour presentation.
3. The Board of Supervisors would then make their decision in July after they have had an opportunity to review whatever additional materials and input was received at the June Meeting.

Or:

1. Allow the applicant an hour to make their presentation in June.
2. Allow those in opposition an hour to make their presentation in July.
3. The Board of Supervisors would then make their decision in August.

Mr. Harris continued to state, as told to the Planning Commission, the Board of Supervisors have the option of approving the petition as submitted, deny the petition, or revising the proposed ordinance and adopting a modified version of the ordinance.

Mr. Harris stated, given the amount of input that the Board of Supervisors have already received from the applicant and the opposition, he does not see any reason to make it a free for all where it can go on forever. Mr. Harris suggested allowing for a reasonable presentation from each side is the way to proceed. Chairman McIlhinney stated it is a good suggestion, based on the voluminous amount of material he has accumulated, and he is agreeable to the first suggestion of half an hour from each side presenting on June 22, 2020.

Motion was made by Supervisor Torrice, seconded by Vice-Chairman Groff and carried unanimously to hold a hearing on the request for a text amendment for the Venue at Hilltown at the Board of Supervisors meeting on June 22, 2020 with each side being allotted one half hour to make a presentation, and, at which time, the Board of Supervisors would take the matter under advisement and render a decision at the July Board of Supervisors meeting.

Public Comment:

Dale Ott, 246 Mill Road, stated his concern about the hearing is that they have an enormous amount of public individuals who would like to be represented at the hearing. Chairman McIlhinney stated they already had their chance at the Planning Commission meeting and the opposition will have their half hour on June 22, 2020. Mr. Harris stated anyone in the community that wishes to weigh in, whether it is by petition, letter, or email, write to the Board of Supervisors and make their position known. That way, everyone will have an opportunity to be heard. Supervisor Torrice stated this hearing is one step of many and it may continue for some time. Solicitor Harris stated it may or may not go on for quite a time if the Board of Supervisors decides, based on the opposition not to adopt the text amendment, it will be over. If the Board of Supervisors decides to adopt the text amendment, whether it is in its' entirety or an amended form, it obviously will go on for quite a while.

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Charles Brauer, 304 Swartley Road, stated the suggestions are good but was wondering if all other conflicts are handled by giving one half an hour. Chairman McIlhinney stated they can set it up any way they want but since there is such a voluminous amount of material available to the Board right now and they have heard from everybody at the various Planning Commission meetings, it is enough to know the gist of it. Mr. Brauer stated the Planning Commission gave up on it and ended it. Vice-Chairman Groff disagreed and stated many of the people were saying the same thing and all of the information that was given to the Planning Commission has been forwarded to the Board of Supervisors. Mr. Brauer continued to state the residents do not fully understand what is going on. Chairman McIlhinney stated if there is a presentation in June and questions are asked, they will get addressed. Chairman McIlhinney stated projects are not handled all the same way. They are based on each individual project, the scope, and complexity. Mr. Harris stated based on his review of the documentation that has been submitted to date and the comments that were made at the Planning Commission meetings, there seemed to be a few central issues and that is what everyone's comments will be focused on: traffic, woodlands, buffers, etc., and the Township will take all of that into account.

Ms. Carrie Nase-Poust, attorney on behalf of the applicant, stated they have four witnesses to present at the hearing. She continued to state that she understands there has been a great deal of information to date, however, that information is not currently part of the record for this particular hearing. Mr. Harris stated to put together a booklet of exhibits and submit it to be admitted as evidence in the record. Mr. Harris stated all of the witnesses are professional engineers registered in the Commonwealth of Pennsylvania and that entitles them to expert status.

5. LEGAL:

a) Zoning Hearing Board Hearings: Solicitor Harris stated there are several Zoning Hearing Board Hearings coming up next month:

1. County Line Plaza Realty Associates L.P. – Thursday, June 11, 2020 at 7:00 PM – The applicant seeks a use variance to permit the construction of a two-tenant building on a pad site associated with an E-16 shopping center located at 715 Route 113. The Board of Supervisors do not wish Solicitor Harris to attend the hearing.

2. Britton Industries – Thursday, June 11, 2020 at 7:30 PM – The applicant seeks a use variance in order to permit intermittent processing of non-organic materials in addition to its current composting facility use at 4108 Bethlehem Pike. The Board of Supervisors wish Solicitor Harris to attend the hearing to find information on noise, dust, hours of operation, and how often is the intermittent processing.

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3. Bethlehem Pike Apartments, LLC – Thursday, June 25, 2020 at 7:00 PM – Solicitor Harris stated this hearing is a continuance and the Board of Supervisors already authorized him to attend the hearing.

b) Request of Mark Wallace and Adrian Schlegal-Wallace for an Extension of Time to remove a building erected without permits: Solicitor Harris stated a request was received from Mark Wallace and Adrian Schlegal-Wallace for an extension of time till August 31, 2020 to remove a building erected without permits located at 315 Fairhill Road.

Motion was made by Supervisor Torrice, seconded by Vice-Chairman Groff and carried unanimously to grant the extension to August 31, 2020 for Mark Wallace and Adrian Schlegal-Wallace to remove the building located at 315 Fairhill Road and if it is not removed by August 31, 2020, fines and legal action would immediately follow. There was no public comment.

6. PLANNING:

a) Reserve at Highview (Chrzanowski) Subdivision: Mr. Wynn stated Mr. Scott Meese is present to discuss the Reserve at Highview Preliminary Plan. Mr. Wynn continued to state the Planning Commission recommended Preliminary approval with conditions at their meeting on May 18, 2020 subject to the engineering review letter dated May 20, 2020 with the following noted:

- Item #1, notice of preliminary plan filing has been completed.
- Item #3, existing wall and landscaping is recommended to satisfy the buffer requirements.
- Item #4A, C, E, F, and G waivers are recommended for approval.
- Item #4B, waiver from completing a water resources impact study is recommended for denial.
- Item #4D, street improvements is recommended for approval subject to installation of storm sewer improvements and capital contribution.
- Item 4H, is partially recommended for approval provided concrete monuments are installed at all lot corners.
- Item #11, Planning Commission recommends a waiver of streetlight requirement with installation of individual lampposts.

Mr. Wynn clarified the iron pins and concrete monuments stating there would be concrete monuments at the property corners and iron pins at the corners along the internal road right of way. Chairman McIlhinney stated the concrete monuments are very necessary for the homeowners and the homeowner's neighbors.

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Motion was made by Supervisor Torrice, seconded by Vice-Chairman Groff and carried unanimously to grant Preliminary Approval for the Reserve at Highview (Chrzanowski) Subdivision contingent upon the items contained in Mr. Wynn's review letter dated February 26, 2020 and all of the recommendations made by the Planning Commission on the waivers including the applicant will need to supply the Water Resources Impact Study. There was no public comment.

b) Britton Industries Land Development: Mr. Wynn stated Mr. Stephen Quigley is in attendance to discuss the Britton Industries preliminary plan. Mr. Wynn stated the Planning Commission recommended Preliminary/Final plan approval subject to the engineering review letter dated January 31, 2020 at their meeting on May 18, 2020 with the following noted:

- Item #2A, waiver request for sidewalk along Bethlehem Pike was recommended to be denied (4-0). Balance of street improvement waivers are recommended for approval subject to a capital contribution in a manner satisfactory to the Township.
- Waivers requested in items #2B, C, D, and E were recommended for approval as noted in the review correspondence.
- Item #5, E&S/NPDES Permit has been received.
- Item #7, Existing lighting. Applicant offered to review the lighting with the Township and make adjustments if determined necessary.

Chairman McIlhinney stated there are no sidewalks across the street or adjacent to the property so why was there a recommendation for sidewalks. Mr. Wynn stated the Planning Commission members indicated that they believed that sidewalks should be installed along all of the properties because, eventually, the next property will come in to be developed and will continue the sidewalk. Chairman McIlhinney stated he does not agree with putting the sidewalks in but rather a fee-in-lieu would be more appropriate. Mr. Quigley asked if the Board of Supervisors waive not only the sidewalk but also waive the fee-in-lieu of. Chairman McIlhinney did not agree with waiving the fee-in-lieu of the sidewalk nor did Vice-Chairman Groff or Supervisor Torrice. Mr. Quigley clarified the number of the existing lights that are going to be on in the evening for security. Once they are up and running, they can be adjusted, if needed.

Motion was made by Supervisor Torrice, seconded by Vice-Chairman Groff and carried unanimously to grant Preliminary/Final Land development approval to Britton Industries contingent upon Mr. Wynn's review letter dated January 31, 2020 also stating sidewalks are not required along Bethlehem Pike but the fee-in-lieu of is required. There was no public comment.

c) Resawn Timber Company Land Development: Mr. Wynn stated Mr. Scott McMackin is in attendance along with the applicant, Bill Stevens, to discuss the Resawn Timber Company preliminary plan located at 306 Keystone Drive. Mr. Wynn continued to state the Planning Commission recommended Preliminary/Final plan approval subject to the completion of items contained within the engineering review letter dated July 1, 2019 except the following:

- Item #2A, waiver requested from street improvements. The applicant is requesting a waiver of the fees because of the total cost of the improvements with two frontages (Keystone Drive and Progress Drive) in comparison to the cost of the project.

Mr. Stevens gave a synopsis of the project, because of continued growth, the pole barn will be used strictly for the storage of the lumber. All Board of Supervisors agreed with the request for the waiver of the improvements including the waiver of the fees.

Motion was made by Supervisor Torrice, seconded by Vice-Chairman Groff and carried unanimously to grant Preliminary/Final Land Development approval to Resawn Timber Company contingent upon Mr. Wynn's review letter dated July 1, 2019 and without the fee-in-lieu for street improvements. There was no public comment.

7. ENGINEERING: Mr. Wynn stated the road bids are the following:

1. Paving Bid Award: Mr. Wynn stated six bids were received for the paving with Blooming Glen Contractors being the low bid in the amount of \$119,383.50 and recommends the Board of Supervisors award the Paving Bid to Blooming Glen Contractors in the amount of \$119,383.50, subject to receipt of all required contract documents and project approval by PennDOT.

Motion was made by Vice-Chairman Groff, seconded by Supervisor Torrice and carried unanimously to award the Paving Bid to Blooming Glen Contractors in the amount of \$119,383.50 subject to receipt of all required contract documents and project approval by PennDOT. There was no public comment.

2. Ultra-Thin Friction Course: Mr. Wynn stated there was one bidder, Asphalt Maintenance Solutions, for Ultra-Thin Friction Course in the amount of \$202,847.30 and recommends the Board of Supervisors award the Ultra-Thin Friction Course bid in the amount of \$202,847.30 to Asphalt Maintenance Solutions subject to receipt of all the required contract documents. Mr. Wynn noted the bid was about 50 cents per square yard less than it was last year. **Motion was made** by Supervisor Torrice, seconded by Vice-Chairman Groff, and carried unanimously to award the Ultra-Thin Friction Course bid to Asphalt Maintenance Solutions in the amount of \$202,847.30 subject to the receipt of all of the contract documents. There was no public comment.

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3. Asphalt Sealcoat: Mr. Wynn stated there was one bidder for the Asphalt Sealcoat, Asphalt Maintenance Solutions, in the amount of \$49,549.11 and recommends the Board of Supervisors award the Asphalt Sealcoat to Asphalt Maintenance Solutions bid in the amount of \$49,549.11 to Asphalt Maintenance Solutions subject to receipt of all the required contract documents.

Motion was made by Vice-Chairman Groff, seconded by Supervisor Torrice and carried unanimously to award the Asphalt Sealcoat bid to Asphalt Maintenance Solutions in the amount of \$49,549.11 subject to receipt of all the required contract documents. There was no public comment.

4. Route 113/County Line Road Traffic Signal: Mr. Wynn stated he requests authorization for Township Manager, Lorraine Leslie, to acknowledge the revisions to the signal permit plan for timing/sidewalk handicap accessibility that was required along the frontage of AutoZone. The permit is in both Hilltown Township and Souderton Borough but since the improvements are in Hilltown, the Hilltown Township Manager will sign the plan.

Motion was made by Supervisor Torrice, seconded by Vice-Chairman Groff and carried unanimously to authorize Township Manager, Lorraine Leslie, to sign the condition diagram plan for the timing/sidewalk along Route 113 along the frontage of AutoZone. There was no public comment.

8. UNFINISHED BUSINESS: None.

9. NEW BUSINESS:

a) Resolution No. 2020-013 – Revise Non-Uniform Pension Plan: Ms. Leslie stated, once every six years, PMRS requires the Township to re-visit both the Uniform and Non-Uniform pension plans. Nothing changes in the plans; it is just simply housekeeping to warrant that the Township is in compliance with IRS regulations.

Motion was made by Vice-Chairman Groff, seconded by Supervisor Torrice and carried unanimously to approve Resolution No. 2020-013 Revising the Non-Uniform Pension Plan. There was no public comment.

b) Resolution No. 2020-014 – Revise Police Uniform Pension Plan:
Motion was made by Supervisor Torrice, seconded by Vice-Chairman Groff and carried unanimously to approve Resolution No. 2020-014 Revising the Police Uniform Pension Plan. There was no public comment.

c) Eric Ierardi and Jason Caro – Fence Agreement: Ms. Leslie stated an executed fence agreement from Eric Ierardi and Jason Caro, 406 Siena Way, for a typical removable aluminum fence was received today for approval by the Board of Supervisors.

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Motion was made by Vice-Chairman Groff, seconded by Supervisor Torrice and carried unanimously to approve the fence agreement, dated May 22, 2020, between Hilltown Township and Eric Ierardi and Jason Caro located at 406 Siena Way. There was no public comment.

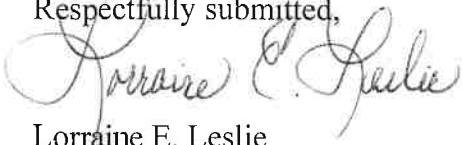
10. SUPERVISOR'S COMMENTS: Vice-Chairman Groff stated in regard to the grant for the easement trail, the paperwork was sent to DCNR and he should hear within the next month or two where they stand with it.

11. PUBLIC COMMENT: None.

12. PRESS CONFERENCE: None.

13. ADJOURNMENT: Upon motion by Supervisor Torrice, seconded by Vice-Chairman Groff and carried unanimously, the May 26, 2020 Hilltown Township Board of Supervisors meeting was adjourned at 7:54 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).