

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
MONDAY, JULY 27, 2020**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman John McIlhinney at 7:00 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: None.
2. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.
3. CONSENT AGENDA:
 - a) Minutes of the June 22, 2020 Board of Supervisors Meeting
 - b) Bills List – July 14, 2020
 - c) Bills List – July 28, 2020
 - d) Financial Report June 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.

Chairman McIlhinney stated he is going to move item 13A up on the agenda for the appointment of the Planning Commission member. Motion was made by Supervisor Torrice, seconded by Vice-Chairman Groff, and carried unanimously to appoint Frank Henofer to the Planning Commission for the four-year term starting January 1, 2020. There was no public comment.

Township Solicitor, Steve Harris, stated there was a hearing on June 22, 2020 on the Private Petition for Zoning Amendment filed by US Homes Corporation DBA Lennar. The testimony was completed, and tonight was the night assigned for the decision. The question is whether or not the Board is going to vote to approve the petition, vote to deny the petition, or whether the Board is going to vote on some amended version of the petition such as the Planning Commission recommended.

4. ADJOURNMENT OF REGULAR MEETING: Chairman McIlhinney adjourned the regular meeting at 7:03 PM.

The discussion by the Board of Supervisors was recorded by the court stenographer with the following speaking:

Chairman, Board of Supervisors, John B. McIlhinney
Vice-Chairman, Board of Supervisors, James Groff
Supervisor, Caleb Torrice

5. PRIVATE PETITION FOR ZONING AMENDMENT: FILED BY US HOMES CORP. DBA LENNAR: NA

6. ADJOURNMENT OF HEARING: NA

7. RESUME REGULAR MEETING: Chairman McIlhinney reconvened the regular meeting at 7:13 PM after the Board of Supervisors voted unanimously to table the discussion to the August 24, 2020 meeting.

8. CONFIRMED APPOINTMENT: None.

9. LEGAL:

a) Tabora Farms Agreement: Solicitor Harris stated, under the settlement agreement that was reached with Tabora Farms, one of the requirements was to have a sidewalk that would extend over toward the church with a crosswalk for overflow parking. Because the parking lot is being expanded, it appears at the moment, the sidewalk and the crosswalk are not required. Therefore, he has prepared an agreement which has been approved by the Torrice's which would defer the installation of a sidewalk and a crosswalk to the Hilltown Baptist Church until such time as overflow parking at that facility would be required.

Motion was made by Vice Chairman Groff to approve the First Amendment To Stipulation and Settlement Agreement that defers the installation of the sidewalk and crosswalk to the Hilltown Baptist Church. Chairman McIlhinney seconded the motion for discussion purposes and stated this agreement seems to assume that the church parking lot is not being used by the public in conjunction to what is going on at Tabora Farms. Chairman McIlhinney questioned what if people park in the parking lot, as they did in the past regardless of what anybody would say, and they start walking across the street in the dark. Solicitor Harris stated the Township has the ability to say to put in the sidewalk and the crosswalk. Chairman McIlhinney stated the agreement should say the Township does not care how it occurs, but if people are going to be allowed to park at the Church and walk across the street, the sidewalk will be put in. Solicitor Harris suggested revising the agreement and to table it until the next Board meeting. The original motion died due to the lack of a vote.

Motion was made by Supervisor Groff and seconded by Chairman McIlhinney to table the Tabora Farms First Amendment To Stipulation and Settlement Agreement for the installation of the sidewalk and crosswalk to the Hilltown Baptist Church to the next Board of Supervisors meeting subject to the changes that were discussed. Motion passed 2-0-1 with Supervisor Torrice abstaining from the vote. There was no public comment.

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10. PLANNING:

a) County Line Plaza Land Development – Preliminary Plan: Mr. Wynn stated the County Line Plaza Land Development was before the Planning Commission on June 15, 2020 at which time they recommended preliminary approval of the plan conditioned upon completion of items contained in the engineering review dated May 5, 2020 along with conditions noted in the correspondence dated July 21, 2020. Mr. Matt Chartrand, Bohler Engineering, was in attendance to discuss the proposed medical office (Urgent Care) and a quick serve coffee shop (use E5) on the 16.033 acre shopping center that used to be the former location of Block Buster in the PC-1 Zoning District. Zoning Relief was given for the drive thru. The application was submitted as Preliminary/Final application and the Planning Commission recommended for Preliminary approval based off of the fact that the applicant is still working with PennDOT on the sidewalk along the frontage of the property. The Applicant has agreed to comply with all of the items contained in Mr. Wynn's review letter dated May 5, 2020. Mr. Wynn stated the Planning Commission was interested to see what PennDOT would say about the varying width sidewalk. Chairman McIlhinney had questions in regard to the number of trees on the perimeter, the replacement trees, and number of trees waived. Mr. Wynn stated there is limited areas to plant the parking lot shade trees and there are also overhead wires that run down along the side. The Planning Commission, with respect to the trees that they cannot put in, suggested a contribution in-lieu-of the trees. The applicant acknowledged the contribution in-lieu-of the trees was satisfactory. Supervisor Torrice questioned the amount of parking spots. Mr. Wynn stated it is difficult because they do not know how many seats are in the proposed restaurant. However, there is unlimited parking in the rest of the shopping center. Mr. Chartrand stated the reason the applicant is asking for a waiver in regard to the parking is that they are trying to consolidate as many of the spots on their particular area of the lot as they can. Chairman McIlhinney stated since they do not have a configuration set schedule for the two uses that they want to have on the project, he would think the Preliminary approval status is the correct one. In regard to sidewalk, Mr. Wynn stated AutoZone did not have any pinch points in the sidewalk. They are putting in 5' wide sidewalk that is extending a little bit beyond their property to the bank property next door. This sidewalk would continue along the frontage but, because of utility poles, stormwater, etc., the sidewalk is not maintained at the PennDOT minimum of 5' and actually narrows down to 3 ½ '. Mr. Chartrand stated they are proposing 4' sidewalk but right where the poles are located, the sidewalk has to be narrowed down to get around them. Mr. Wynn stated the Planning Commission was willing to let the pinch points stay if PennDOT approved them because there is a provision in the PennDOT regulations that allows it if pinch points exist. Mr. Chartrand stated it would still meet ADA requirements. Discussion occurred in regard to the 5' sidewalk at AutoZone and the proposed 4' sidewalk. Mr. Chartrand stated, looking at the design beside the poles and the grade along the area, they felt they could fit 4' of sidewalk along the frontage. Motion was made by Vice-Chairman Groff, seconded by Supervisor Torrice, and carried unanimously to grant Preliminary approval for the County Line Plaza Land Development contingent upon Mr. Wynn's review letter dated May 5, 2020 and correspondence dated July 21, 2020. There was no public comment.

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b) 31 Church Road Land Development – Preliminary/Final Plan: Mr. Wynn stated 31 Church Road Land Development was before the Planning Commission on July 20, 2020 at which time they recommended preliminary/final approval of the plan conditioned upon the completion of items contained in the engineering review letter dated July 7, 2020 and the comments noted in the correspondence dated July 21, 2020. Mr. Daniel Lyons was present, on behalf of the applicant FWC Properties, requesting Preliminary/Final plan approval for construction of a 6,000 SF pole building for warehousing and the remodeling of the existing farmhouse structure to contain three apartments instead of four. Mr. Wynn stated the Planning Commission did not see the need for a buffer since the adjacent property is owned by Bucks County for flood prevention. Mr. Wynn continued to state the Planning Commission recommended the waivers for curb and sidewalk subject to a capital contribution, the pipe size, the trees in the protection zone (which will be subject to a note being added to the plan that if the trees die they will have to be replaced), and the existing impervious surface being considered as meadow. Mr. Wynn stated the Planning Module Exemption mailer with the documentation from Hatfield Township will be forwarded to DEP. Motion was made by Supervisor Torrice, seconded by Vice-Chairman Groff, and carried unanimously to grant Preliminary/Final approval for 31 Church Road Land Development contingent upon Mr. Wynn's review letter dated July 7, 2020 and correspondence dated July 21, 2020. There was no public comment.

c) Keystone Drive Land Development – Sketch Plan: Mr. Wynn stated Mr. Leahy is present to discuss his proposed mini-storage facility at 221 Keystone Drive. Mr. Wynn provided his engineering review dated July 8, 2019 and Chief Englehart's review letter dated June 24, 2019. Mr. Wynn also provided the minutes from the Planning Commission review of the sketch plan on July 15, 2019. Mr. Wynn continued to state there is also a pending ZHB application regarding the project. Mr. Jason Smeland, Lenape Valley Engineering, presented a proposed plan for the construction of an 80' by 150' building, three stories high, with 26,400 SF of space devoted to mini storage on 1.43 acres located in the LI Zoning District. Mr. Smeland discussed the allowable uses in the LI Zoning District. Mr. Smeland stated the ordinance states that if the property is next to a residential use, a 35' buffer is required. He continued to state the Wismer property has a residence in the front, but the back of the property is being used as Light Industrial. The applicant is asking for a variance from the requirement to provide a 35' wide buffer against residential properties because this property, although it is next to a residential use, is being used as a Light Industrial type facility. The applicant is providing an 8' wide fence and plantings along the self-storage facility. Also, the applicant is asking for a variance to allow a self-storage facility in a single building, be three stories high. Mr. Smeland stated the applicant will provide a building that is typical to what is surrounding the area and will not be abnormal in terms of size or scope. Mr. Smeland stated some zoning relief is needed to develop this property effectively and properly and is something that is going to be an asset to the community. The applicant filed an application to the Zoning Hearing Board requesting a few variances including: a Special Exception to develop the property because it doesn't conform to the minimum lot size, variance from the buffer yard to provide the residential type buffer yard of 35' from the adjoining property next door, variance from the buffer yard around the entire property, and a variance to allow the building dimensions be

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greater than 6,000 SF. Mr. Smeland continued to state they do not want to go to the Zoning Hearing Board with the Board of Supervisor's opposition. Comments from the Board of Supervisors included: Supervisor Torrice asked what the buffer would be with the fence and with the shrubs. Mr. Smeland stated the fence is 8' high with slats and it cannot be seen through. Also, it would be one evergreen per 20' and one shrub for every 5'. If it were the residential buffer, it would be one evergreen per 20', one shrub for every 4', it would also be another deciduous tree every 20', and a small deciduous tree every 50' along with a ground covering requirement. Chairman McIlhinney stated the applicant wants to increase the size of the building 100% going from 6,000 SF to 12,000 SF and act as if that is a normal thing even though they are only allowed to have 6,000 SF. They want to double the size of the building than what is permitted and then want to go three stories high. Chairman McIlhinney stated he disagrees with the three story and the single story roll up garage door is the preferred one. It is cheaper to build and the people who rent it, do not have to pay as much money along with getting into their unit easily without having to go through an elevator. Mr. Smeland stated it is preferable to have a loop configuration and there is no secondary use. Chairman McIlhinney questioned the parking. Mr. Smeland stated there is a loading zone around the building, there are parking spots, and continued to state there is a minimum of people there at any given time. Supervisor Torrice stated profits are not their concern but the applicant may want to revisit the issue and see how much they can shrink it down in order to allow for the buffer around the perimeter. Vice-Chairman Groff agreed with Supervisor Torrice. Mr. Smeland confirmed the building would be fully sprinklered. No action was taken. Public Comment: Beverly Slifer, 1019 Orchard Road, stated she owns the apartment building located at the corner of Keystone Drive and Bethlehem Pike and commented the variances are ridiculous, and the buffers should be adhered to. Gretchen Schatschneider, District Manager of the Bucks County Conservation District, told her under the definition of "view shed", her property would have her vision obscured if it were three stories and she is in extreme objection to this project. Chairman McIlhinney stated if a person does not want their view obstructed, then they can buy the land, so their view will not be obstructed by development. Ms. Slifer continued to discuss the rain garden, ADA requirements, Stormwater Management, run off into the Branch Creek, the 30% impervious area, traffic, and lighting. Chairman McIlhinney stated the items that she is discussing are items that are already required in processing a project and added no project gets through the Township that does not go through this process.

11. ENGINEERING:

a) Tice HOA Speed Hump Reduction Request: Donte King, President, Tim Good, Secretary, and Tyler Rutter, Treasurer, of the Tice HOA were in attendance to request a reduction in the number of speed humps from eight to four as shown on the plan. Mr. Wynn stated the builder would be required to put the speed humps in and the Township will maintain the road once it is dedicated including the speed humps. Mr. Wynn stated the developer is aware that this is happening and is fine with whatever the Township wants to do. Motion was made by Supervisor Torrice, seconded by Vice-Chairman Groff, and carried unanimously to accept the reduction from

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eight speed humps to four speed humps as presented by the Tice HOA per the plan submitted. There was no public comment.

b) Road Re-Bid Awards 2020: Mr. Wynn reviewed the following:

1. Bid 2020-001A – Milling and Paving: Mr. Wynn stated three bids were received for milling and paving from Blooming Glen Contractors, James D. Morrissey, Inc. and GoreCon, Inc. with Blooming Glen Contractors being the low bid in the amount of \$112,309.00 and recommends the Board of Supervisors award the Milling and Paving Bid to Blooming Glen Contractors in the amount of \$112,309.00, subject to receipt of all required contract documents and project approval by PennDOT. Mr. Wynn noted there was a reduction from the previous bid. Motion was made by Vice-Chairman Groff, seconded by Supervisor Torrice and carried unanimously to award the Milling and Paving Bid to Blooming Glen Contractors in the amount of \$112,309.00 subject to receipt of all required contract documents and project approval by PennDOT. There was no public comment.

2. Bid 2020-002A - 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 bid to Asphalt Maintenance Solutions in the amount of \$49,549.11 subject to receipt of all the required contract documents. Mr. Wynn noted this bid was identical to the bid received on March 25, 2020. 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.

3. Bid 2020-003A - Ultra-thin Friction Course: Mr. Wynn stated there was one bidder, Asphalt Maintenance Solutions, for the 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 this bid was identical to the bid received on March 25, 2020. 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.

c) Welcome House Road Bank Stabilization: Mr. Wynn stated the Welcome House Bank Stabilization is going to occur either next week or the week after. A pre-construction meeting was held at the site with Bucks County Conservation District on July 21, 2020 along with four people from Blooming Glen Contractors. Mr. Wynn continued to state Welcome House Road will be closed for two days by the Public Works Department to thru traffic during day-time active construction hours.

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d) Act 537 Sewage Facilities Special Study: Mr. Wynn stated the correspondence dated March 17, 2020 from DEP approving the limited-scope Act 537 Official Plan Update, came about because of the increase number of alternate systems being used, the fact that the Township's Act 537 Plan is from 1999, and some follow up studies that were in the plan were never conducted. DEP stated the draft Sewage Management Ordinance is acceptable. Mr. Wynn continued to state there are replacement testing required under the management ordinance for new subdivisions and should eventually become a Subdivision Ordinance amendment. Educational information will need to be added to the website and the Township will need to review six study areas which include the five in the 1999 Act 537 plan and the Callowhill Road area. Mr. Wynn stated his office will send out correspondence to the people that own lots within the study areas asking them for information regarding their septic system, disposal system, and whether or not they can enter their property to look at their disposal system. Before that is done, Mr. Wynn will contact the Bucks County Health Department and obtain any permit information they have on the properties, so they know where the septic system disposal fields are. If they do not get permission to go on the properties and they don't get the responses back, then the DEP requires a "Windshield Study" where they will stay in the right-of-way of the road and look and see what they can see. All of this has to be reported back to DEP for them to determine whether or not additional study needs to occur. If there is a number of failing systems, they will have to address what they are going to do to address the failing systems. Mr. Wynn stated some of the required items listed in the March 17, 2020 will have to be created and part of them are in the ordinance. Mr. Wynn stated the Callowhill Road study area is small with the bigger area is the area on Green Street. The Fairhill Road study area is 14 lots. The study area on Twin Brook Road and Cherry Road is small. The total number of lots for the study will be under thirty.

Motion was made by Vice-Chairman Groff, seconded by Supervisor Torrice, and carried unanimously to implement the Approval Letter of Plan of Study Act 537 Official Plan Update as issued by the Pennsylvania Department of Environmental Protection on March 17, 2020 signed by Stephanie Rittenhouse. There was no public comment.

e) Hillcrest Road Bridge/Fairhill Road Bridge: Mr. Wynn stated funds were allocated in the budget for work to be done on Hillcrest Road Bridge and Fairhill Road Bridge that were inspected by PennDot with repairs needed for the concrete beam deterioration (spallding), guiderails, and pedestrian railings. Mr. Wynn stated he could bid the concrete work for both bridges in one contract and bid the guiderail and railing in another contract. Mr. Wynn suggested putting up signs for "No Pedestrians" on the Hillcrest Road Bridge since there is a pedestrian bridge adjacent to the bridge.

Motion was made by Supervisor Torrice, seconded by Vice-Chairman Groff, and carried unanimously to authorize C. Robert Wynn Associates to prepare and submit the General Permits for pumping the water around the bridges and prepare the construction specifications for the Hillcrest Road Bridge and the Fairhill Road Bridge. There was no public comment.

12. UNFINISHED BUSINESS: None.

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13. NEW BUSINESS:

a) Appointment of Planning Commission Member: This was addressed earlier in the meeting.

b) Fencing Equestrian Court Basin – Mark Rawlings: Mr. Wynn stated he met with Mr. Rawlings, the HOA Chairman, and is asking to remove the split rail fence completely on part of the basin but did not know where they wanted it to stop, and also improve the fence around the bottom part of the basin. Mr. Wynn suggested they prepare a simple plan showing what they want to remove and also a Hold Harmless Agreement would have to be executed. Mr. Wynn has not heard from him.

Motion was made by Vice-Chairman Groff, seconded by Supervisor Torrice and carried unanimously to table the removal of the split rail fence around the basin of Equestrian Court and improve the fence around the bottom of the basin until a plan is received. There was no public comment.

c) Scott Drumbore – H&K – Requesting for extension of hours for August for 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 August 1, 2020 and August 31, 2020, excluding holidays, for the PennDOT projects per their letter dated July 15, 2020. Ms. Leslie stated H&K will send her all of the times that they run in a given time frame. They will then be able to address any concerns about how often and the times that they are running. Motion was made by Vice-Chairman Groff, seconded by Supervisor Torrice and carried unanimously to grant the extension of hours between August 1, 2020 and August 31, 2020 for the Concrete and Asphalt Plant at the Skunkhollow Quarry per their letter dated July 15, 2020 with the exception of striking the part in the letter in regard to "and/or private customers."

Public Comment: Charles Brauer, 304 Swartley Road, asked if the report was public. The Board of Supervisors confirmed that the reports will be public.

10. SUPERVISOR'S COMMENTS: None.

11. PUBLIC COMMENT: Bob Ott, 116 Mill Road, confirmed there will be public comment at the meeting scheduled for August 24, 2020.

Dale Ott, 246 Mill Road, questioned if it is the required procedure for the Township, or the applicant for the Venue at Hilltown, to post notification to the public in a newspaper and if the site and surrounding properties need to be notified of said hearing. Chairman McIlhinney stated he does not know that all of that was done. Mr. Ott stated that the site was not posted nor were the adjoining properties notified of the hearing, in writing, either by the Township or the applicant. Mr. Ott stated he also received some feedback from residents regarding Mr. Rosenthal and he had a hard time swallowing the comments and disagree with them himself. A comment was made

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tonight that there was no conflict of interest but by its definition, Mr. Rosenthal being an elected official . . .

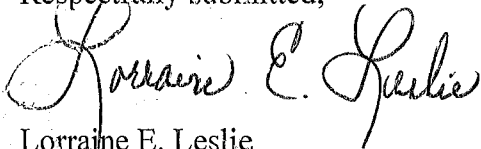
Vice-Chairman Groff intervened stating he spoke to Solicitor Harris about that and Solicitor Harris stated there is absolutely no conflict of interest.

Mr. Ott stated he was told by his lawyer that there was a conflict of interest and he as a contract that Mr. Rosenthal has with the landowners that clearly states that he is allowed to purchase this property if and when it passes. Chairman McIlhinney asked Mr. Ott if he managed to sell the two acres that he owns because he saw an email stating Mr. Ott wanted \$320,000 for the two acres. Mr. Ott stated it was offered to him in the past. Mr. Ott stated he was offering to sell the property for that price. Mr. Ott clarified he was not offering to sell it; it was an offer that was made to him by his brother and sister-in-law not by Mr. Rosenthal. Chairman McIlhinney stated he believes it is different from that; he believes that Mr. Ott made the offer to sell the property. Mr. Ott stated he did not make an offer to sell the property.

12. PRESS CONFERENCE: None.

13. ADJOURNMENT: Upon motion by Vice-Chairman Groff, seconded by Supervisor Torrice and carried unanimously, the July 27, 2020 Hilltown Township Board of Supervisors meeting was adjourned at 8:25 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).