

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARY SCHEDULED MEETING
MONDAY, AUGUST 22, 2016**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman John B. McIlhinney at 7:08 PM and opened with the Pledge of Allegiance. Also in attendance were Vice-Chairman Kenneth Bennington, Supervisor James Groff, Township Manager Donald D. Delamater, Chief of Police Christopher Engelhart, Township Solicitor Stephen Harris, and Township Engineer C. Robert Wynn.

1. ANNOUNCEMENTS: Chairman McIlhinney stated there was an executive session prior to the meeting to discuss real estate matters.
2. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.
3. CONSENT AGENDA:
 - a) Minutes of the August 8, 2016 BOS Meeting
 - b) Bills List August 23, 2016

Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to accept and approve items a) through b) on the Consent Agenda with the following correction from Supervisor Bennington: on the bottom of page 2, last paragraph, spell out Chairman McIlhinney and Supervisor Bennington's names instead of "both Supervisors". There was no public comment.

4. CONFIRMED APPOINTMENT: None.
5. LEGAL: Solicitor's Report:
 - a) Ordinance No. 2016-002 Impervious Surface Ratio Ordinance – Solicitor Harris stated Ordinance No. 2016-002 Amending Chapter 160 of the Code of Ordinances to revise the Table of Performance Standards relative to individual lot impervious surface ratio for single family, single family cluster, and performance subdivisions in the CR-1 District; and single family uses in the VC and AQRC Districts, was reviewed by the Township Planning Commission and the Bucks County Planning Commission, and has been advertised for adoption this evening. Motion was made by Supervisor Bemington, seconded by Supervisor Groff and carried unanimously, to adopt Ordinance No. 2016-002 Impervious Surface Ratio Ordinance. There was no public comment.
 - b) Orchard Hill Community Association – Fence Agreement – Solicitor Harris stated

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the Orchard Hill Community Association requested they be allowed to remove the fence around the detention basin. Solicitor Harris asked the association to indemnify the Township of any injury or property damage that may result from removing the fence and post a certificate of insurance naming the Township additional insured. Solicitor Harris stated two suggested changes in the agreement are to name it an agreement and to add if the Association does not post the Certificate of Insurance, then they are required to build the fence immediately to the satisfaction of the Township. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to authorize the Board of Supervisors to execute the Orchard Hill Community Association Fence Agreement, including the changes, subject to the officers of the Orchard Hill Community Association initialing the changes at which time they will be permitted to remove the fence. There was no public comment.

c) Traynor Tract Agreement – 475 Church Road – Solicitor Harris stated Mr. Traynor has Lot 1 under an agreement of sale to Andrew and Jennifer Leone. He had originally posted financial security for the subdivision. Mr. Wynn updated the amount of financial security required and an agreement has been drafted to assign the subdivision agreement from Mr. Traynor to the Leones. In addition, the Leones have posted a cash escrow for engineering and inspection expenses and a letter of credit in the amount of \$33,284.46. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously, to authorize the appropriate Township officials to execute the assignment agreement for the Traynor Tract. There was no public comment.

d) Solicitor Harris discussed the following Zoning Hearing Board applications:

1) The Board of Supervisors wishes for Solicitor Harris to attend the Coyne, located at 3262 Berry Brow Drive, Zoning Hearing on September 22, 2016.

2) The Board of Supervisors does not wish for Solicitor Harris to attend the Joseph Basile, located at 118 Chestnut Lane, Zoning Hearing on September 22, 2016.

3) The Board of Supervisors does not wish for Solicitor Harris to attend the Frederico Caldwell, located at 318 Orchard Hill Road, Zoning Hearing on October 6, 2016.

4) The Board of Supervisors does not wish for Solicitor Harris to attend the James Engler, located at 717 Blue School Road, Zoning Hearing on October 6, 2016 but wish to send a letter of support.

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6. PLANNING:

a) Derstine L/D Waiver Request – Mr. Wynn stated Daryl Derstine did a plan in the 1990's and was granted a waiver in 2005 to build a warehouse. All of the improvements were built at that time with the exception of two parking spaces in the front yard area which Mr. Derstine is requesting be allowed as a waiver of land development due to the set back from the property boundary, and there is sidewalk that didn't exist that was constructed sometime after the fact along the front. Mr. Derstine is requesting a waiver for the construction of a 12' by 40' porch roof located at 416 Schoolhouse Road. Mr. Wynn reviewed his letter dated August 8, 2016 and stated the Planning Commission endorsed the waiver of the two parking spaces, Mr. Derstine will remove the materials from the handicapped space, the metal container contains fiberglass insulation for storage only, the stockade fence does not exist anymore and the ordinance does not require it anymore, and there are currently two businesses and a residential use on the property. Mr. Wynn stated there are some issues with the use but that is not subject to the Land Development waiver and the Planning Commission recommended the Waiver of Land Development for the porch. Discussion occurred in regards to providing a plan for recording. Mr. Dave Taylor stated this project is potentially an expansion of the impervious surface area. Dave Taylor stated back in 1994 Mr. Derstine received approval to put in a holding tank and at that time he wrote a letter surrendering any residential use of the property and asks that if the Land Development Waiver is granted, that it is conditioned upon no residential use on the property. Mr. Derstine stated he has no recollection of the letter. He stated it was approved as a combined use when he bought the property in the 1980's, he likes having lights in there and people around on the weekends, it is a security thing, and it is good for the area and the neighborhood. Mr. Derstine asked if they would allow him to continue that use on the property. Mr. Harris stated the health department permit for the holding tank was for commercial use only and, if Mr. Derstine wants to continue the residential use of the property, he will have to get approval from the health department with a condition that the residential use will have to be abandoned if he can't get approval within 90 days. Mr. Derstine stated he thought there would be an easier way but he will apply for the permit or otherwise kick her out but that is not his nature. Supervisor Bennington stated they should work with Darryl and work with the people that live here but sometimes things are not black and white; there are a lot of grey areas. Mr. Derstine stated there is non-compliance in his area of the Township by people who don't live in the Township but have their businesses there, is it unenforced and he feels picked on. Chairman

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McIlhinney stated he appreciates what Mr. Derstine is doing and understands the conflicts they have with other properties in the Township. Possibly they can limit it to the one person and when she is gone, he cannot do it anymore. Mr. Derstine stated he has a zoning variance to allow the residential use. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to grant a Waiver of Land Development to Darryl Derstine contingent upon Mr. Wynn's review letter dated August 8, 2016 and to give him one year to solve the health department problem.

7. ENGINEERING:

a) Moyer Road Bridge – Completion – Mr. Wynn stated the Moyer Road Bridge has been open for a month and a half, is still not completed but it was indicated that it would be done by the end of August.

8. UNFINISHED BUSINESS:

a) Discussion of the Bamboo Ordinance – Chairman McIlhinney and Supervisor Groff stated they will agree for running bamboo not to be planted closer than 20 feet to the property line. Supervisor Bennington stated people plant the running bamboo to shield their property but until it encroaches the property, they can't continue to sight people 40 feet back and questioned how it is supposed to be measured. Chairman McIlhinney stated people will have been warned that if it crosses into the neighbor's property, they will be responsible to do whatever it takes to eradicate it. Supervisor Groff stated his concern is at what point does it go through the wheels of justice and get to the point where the Township can actively physically do something. By then, it could already be way on to someone's property and that is his concern in regards to putting it at the property line and there needs to be a cushion. Chairman McIlhinney stated a complaint will come in, it will go to the Zoning Officer, and he will go out and look. Solicitor Harris stated there are two provisions in the draft ordinance: 1. After the effective date of the ordinance, running bamboo shall not be planted within 100' of the property line, edge of pavement, or travel portion of a public road way or riparian buffer. 2. Any bamboo owner whose property contains running bamboo after the effective date of the ordinance shall remove and abate the growth of running bamboo that is grown within 40' of the property line, edge of pavement, or travel portion of a public road way or riparian buffer. Supervisor Bennington stated he does not agree with the 20' from the property line, that it should be on the property line, and does not agree with planting it 100' from the property line. Chairman McIlhinney stated they

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do not have to plant running bamboo and there is six other species of bamboo that can be planted. Solicitor Harris stated Tinicum and West Rockhill are 100' from the property line and that is a little much. Mr. Wynn stated he does not believe West Rockhill passed their bamboo ordinance and agrees planting bamboo 100' back from the property line is excessive. Chairman McIlhinney stated when someone chooses to plant running bamboo, there are obligations and responsibilities that go with it. Supervisor Groff stated people have to be accountable with what they have planted and he does not want it to get to the property line, but the 100' back is excessive. Mr. Wynn stated he always thought this is the wrong level of government that this is being discussed in. It shouldn't be allowed to be sold. Supervisor Groff stated he does not think it's fair that one person can grow it that affects somebody else and then they are not accountable for it. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to authorize Solicitor Harris to advertise the adoption of the bamboo ordinance for the September meeting with amending the current version to state running bamboo will not be planted within than 20' of a property line, edge of pavement, or travel portion of a public road way or riparian buffer and any property owner that allows it to be closer than 10' to the property line, edge of pavement, or travel portion of a public road way or riparian buffer who does not remove it is subject to a citation. Jessica Jackson stated her cousin is going through the same thing right now in Souderton, it is on her neighbor's property line and the fence, and the damage is still continuing on the ground with the roots. No grass can be grown and the borough will do nothing about it. She stated it is a good thing that Hilltown has the 20' feet because she can see the damage that is caused on the ground from the roots. Mr. Wynn stated they do not have a riparian buffer in the zoning ordinance. Solicitor Harris stated he will amend the ordinance to the property line.

b) Brake Retarder Prohibition Request – Township Manager Donald D. Delamater stated based on discussions and concerns from residents, he contacted PennDOT to look at prohibiting the engine brakes on the trucks that travel on some of the roads in the Township, specifically the ones dealing with the two quarries. There is certain criteria that has to be met; percentage of slope on the road and the length of the road. If the criteria are met, they give the Township permission to prohibit the engine brakes and the process has to be gone through passing an ordinance and the placement of signs as determined by PennDOT. The areas that are allowed to prohibit engine brakes are: the entire length of Minsi Trail to Blooming Glen Road, Blooming Glen Road all the way to Hilltown Pike, Hilltown Pike all the way to Keystone Drive (but not from Keystone Drive to Route 309 because of the sharp turn and steep slope), Broad

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Street between Upper Church Road to Route 313, Upper Church Road to Hilltown Pike going in the westerly direction, and going in the easterly direction, it can be prohibited the entire length except from Conlin Way to the entrance to the quarry. The Township will pay for the approximate thirty signs and the public works department will install them. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to authorize Mr. Wynn to amend his traffic ordinance to include the brake retarder provisions. Mr. Derstine asked if Route 113 through Blooming Glen was included. Mr. Delamater stated that it was not included but he will look at it in conjunction with Silverdale Borough.

9. NEW BUSINESS:

a) Jessica Jackson – Requesting a Block Party on Edgewood Drive– Township Manager Donald Delamater stated a request has been received from Jessica Jackson to have a block party on Edgewood Drive on September 3, 2016 from noon to 7:00 PM. It is a meet and greet and a chance to meet the new neighbors. Ms. Jackson stated she has collected the names from everyone so they are all aware of the block party. This will be coordinated with the police department and the public works department for the barricades. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously to approve the block party on Edgewood Drive. There was no public comment.

b) Scott Drumbore – H&K – Requesting for extension of hours for September of the Concrete and Asphalt Plant at the Skunkhollow Quarry – Township Manager Donald Delamater 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 September 1, 2016 and September 30, 2016, excluding holidays, for the PennDOT projects per their letter dated August 15, 2016. Motion was made by Supervisor Groff, and seconded by Chairman McIlhinney, to grant the extension of hours for the month of September per their letter dated August 15, 2016 with striking the part in the letter in regards to 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 clarified the zoning violation with Solicitor Harris. Supervisor Groff stated he will be meeting with a representative of PP&L in regards to raising the electric lines over the tennis courts.

11. PUBLIC COMMENT: None.

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12. PRESS CONFERENCE: None.

13. ADJOURNMENT: Upon motion by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously, the August 22, 2016 Hilltown Township Board of Supervisors Meeting was adjourned at 8:02 PM.

Respectfully submitted,



Donald D. Delamater
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).