

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARY SCHEDULED MEETING
MONDAY, MAY 23, 2016**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman John B. McIlhinney at 7:04 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 Peter Harris, and Township Engineer C. Robert Wynn.

1. ANNOUNCEMENTS: Chairman McIlhinney stated there was an executive session prior to the meeting and there will be one after the meeting to discuss open space and such matters.
2. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.
3. CONSENT AGENDA:
 - a) Minutes of the April 25, 2016 BOS Meeting
 - b) Financial Report April 30, 2016
 - c) Bills List May 10, 2016
 - d) Bills List May 24, 2016

Supervisor Bennington questioned the Unemployment Compensation line items which are 328% of budget on the Revenue and Expense Statement for April. Township Manager Don Delamater stated Ms. Leslie budgeted 1% and the unemployment rates came back after the budget was done with a 5% increase. She appealed it and it ended up at a 3% increase. There will be higher rates until a budget adjustment is done. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously to accept and approve items a) through d) on the Consent Agenda with one correction on the April 25, 2016 minutes: page 6, paragraph D, five lines up from the bottom, the sentence should read " . . . 15 minimum acres . . ." There was no public comment.

4. CONFIRMED APPOINTMENT:
 - a) Elizabeth & William Coyne, 3262 Berry Brow Drive – Requesting to install fence within Township easement – Mrs. Coyne was in attendance to ask permission to place a fence 1 foot off the easement at 3262 Berry Bow Drive for their swing set and they will assume all responsibility for removing the fence if the Township requires it. Mr. Wynn stated he believes there is a concrete pipe between the lots. Mrs. Coyne stated all of their neighbors are also off their easement. Mrs. Coyne also stated when their permit was originally submitted, the fence

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was one foot off of the line and was rejected by the Township. The plan was revised and the fence was put ten feet off the line per the code. After discussion, it was noted the fence should go two feet off of the property line. Chairman McIlhinney stated to submit a plan to the Township Manager, for review by Mr. Wynn, showing exactly where the fence will be placed. Solicitor Harris stated an agreement should be signed stating the Board is allowing the fence to go in the easement and if there has to be a repair, the property owner will pay to have their fence removed and, subsequently, re-installed. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously, to authorize Solicitor Harris to draft an agreement stating the dimensions of the fence and the location, subject to Mr. Wynn's review of the plan, and to be executed by the property owners. There was no public comment.

5. LEGAL: Solicitor's Report:

a) Solicitor Harris stated NOVA's plans were submitted along with the agreements, letter of credit was received, fees were received, and are ready to be recorded. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously to authorize the Board of Supervisors to execute the plans and agreements and have them recorded. There was no public comment.

b) Solicitor Harris stated there is a Zoning Hearing on June 30th for Michael J. Arechaga located at 1030 Orchard Road seeking a variance to disturb 40% of the woodland on the site to permit the construction of a dwelling, driveway, septic, stormwater system, etc., where only 20% is permitted. The Board of Supervisors stated they will leave it up to the Zoning Hearing Board.

6. PLANNING:

a) Coulter Minor Subdivision – Mr. Wym stated Mr. Coulter presented the plan to the Planning Commission last week and his review letter dated April 28, 2016 formed the basis of the conditional final approval granted by the Planning Commission. Included in the recommendation is a waiver of street improvements conditional upon a fee-in-lieu in the amount of \$14,300.00 for the frontage along Mr. Coulter's property only and also allowing the plan not to include the detailed information about the grading, house, etc. because it will be sold to someone else. The recommendation is that there should be a note on the plan and a restrictive covenant against the property to alert any future property owner that they have to get stormwater

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approval, County Conservation District approval, grading plan, etc., before a building permit is issued. Mr. Coulter stated it was discussed at the Planning Commission there was not any plans to do further improvements on Seven Corners Road. The fact that his property already has improvements greater than any other property along Seven Corners Road, he doesn't understand why he would be required to provide a fee-in-lieu for improvements that is not proposed or won't be done. Chairman McIlhinney stated this project was originally approved subject to those requirements. Mr. Coulter stated there was a note on the Weidner Tract plan that stated if it was further subdivided, the developer would need to provide roadway improvements that the Township deemed necessary at that time to both properties. The Planning Commission stated they would accept a fee-in-lieu for the improvements to his property only. Mr. Coulter questioned why he would be required to pay the fee. The applicant's engineer, Mr. Ron Klos, Bohler Engineering, stated the note on the plan was vague in the way it was written stating "road improvements along the frontage determined to be necessary at the time". Mr. Klos continued to state if there are no road improvements required at the time, being now, should Mr. Coulter be responsible. Chairman McIlhinney stated Mr. Coulter is responsible because, back then when they could have paid for it and probably should have, they wanted it to be deferred to this time. Mr. Klos stated they will comply with Mr. Wynn's comments in the review letter dated April 28, 2016. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously for conditional final approval for the Coulter Minor Subdivision per Mr. Wynn's review letter dated April 28, 2016. There was no public comment.

b) Dublin Agway Land Development – Mr. Wynn stated the Dublin Agway Land Development plan was conditionally approved by the Board last month with one of the conditions was to investigate with Dublin Borough the extent of the improvements they have proposed to be accomplished on Rickert Road. A letter was received from Dublin Borough dated May 13, 2016 asking for more information. Dublin Borough has the intent to, someday, completely re-construct Rickert Road but they do not have a time frame or schedule for that. Solicitor Harris stated in the prior motion to approve, the Board left it open that if Dublin was requiring certain improvements there would be a compromise and require Dublin Agway to pay \$15,000.00 of the possible \$30,000.00 of road improvements, then the Board would reconsider this and re-open the issue. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously, for the approval to stand as granted at the last Board of Supervisor's meeting for Dublin Agway Land Development and that the provision of the fee be re-opened is waived. There was no public comment.

c) Pensco Planning Modules – Mr. Wynn stated these are planning modules for replacement or malfunction of the septic system at 209 Mill Street where there is an existing dwelling constructed prior to 1957. It is a ¾ acre lot and proposed to be replaced with a stream discharge system. Mr. Wynn stated the Operation and Maintenance and the escrow has been received and DEP requires a resolution by the Township. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously, to approve Resolution #2016-12 for the execution of the Pensco Planning Modules by the Board of Supervisors and then forwarded to DEP. There was no public comment.

7. ENGINEERING:

a) Rickert Road Culvert Bids – Mr. Wynn stated it was investigated the possibility of using aluminum arch instead of a concrete box but it comes out to be the same cost because of how small the project is. DEP stated they would allow a metal arch pipe provided they sink it into the ground so it still has a natural channel. The difference is the low bid of \$72,950.00 for the concrete box and \$40,000.00 to do the metal arch pipe. Mr. Wynn stated the General Permit will still stand. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously, to reject all bids received for the Rickert Road Culvert project that was tabled last month. There was no public comment.

b) Fairhill Road and Mill Road Culverts – Mr. Wynn stated estimates of cost for replacement of Fairhill School and Mill Road Culverts based upon aluminum plate box culverts ranging from \$160,000.00 to \$180,000.00 is enclosed. It is on the agenda to know whether or not they should proceed with the survey, design, and permitting plans. Mr. Wynn noted the Fairhill School Road culvert is the more critical of the two. Chairman McIlhinney stated they could get everything ready and if they only do one of the two, it can be held off till later on. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously, to authorize Mr. Wynn to proceed with the survey, design, and permitting plans for the culvert on Fairhill School Road. There was no public comment.

c) Agricultural Security Program – Mr. Wynn stated the Planning Commission recommended approval of the Agricultural Security list of properties with a modification to remove the Crawford property which was sold to Deep Run should come off the list. Solicitor

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Harris stated he will need to prepare the appropriate resolution and the advertisement. The list was previously approved so no action was taken.

d) Zoning Ordinance Performance Standards – Mr. Wynn discussed the proposed revision to the Zoning Ordinance Table of Performance Standards amendment that was recommended by the Planning Commission. The changes were: to add a column for the Maximum Impervious Surface allowed on the individual lot in addition to the column that is already there which is the Maximum Impervious Surface allowed during the development phase. On Attachment 2, Column 5 has been revised to Development Plan Maximum Impervious Ratio (Development Plan is a defined term in the Zoning Ordinance) and Column 8 has been added to regulate the individual lot maximum impervious surface ratio. This came about per the Bethel Tract Subdivision. Mr. Wynn reviewed the changes that were made in the CR-1 Zoning District and the VC Single Family home Zoning District. Chairman McIlhinney questioned why is it that a 50,000 square foot lot that happens to fall in the Village Center, which is a higher density of zoning, be changed to match the RR. Mr. Wynn stated there doesn't have to be a 50,000 square foot lot in the VC. Mr. Wynn explained the 20,000 minimum lot area at 26% is 5,200 square feet of proposed maximum impervious surface. By reducing the 26% to 15% in the 50,000 square foot lot, it is still more maximum impervious surface at 7,500 square feet. Mr. Wynn stated a 50,000 square foot lot would have an on-site septic system. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously, to authorize the Bucks County Planning Commission to review the Zoning Ordinance Table of Performance Standards. There was no public comment.

c) Holly Farms – Street Trees – Mr. Wynn stated he received a call from a resident in the Holly Farms Subdivision stating several of the trees within the development are in poor condition or dead and wanted to know if the Township would replace them. Mr. Wynn stated this is something the Township use to do routinely but have not done this in quite a few years. Mr. Wynn stated he went down there and there are ten trees that are in poor condition, almost all in a row in one spot, and sitting in water. Mr. Wynn is looking for the Board's authorization whether or not they can replace these trees with a different species that can tolerate the weather conditions and, also, raise the trees up to keep them out of the water. Mr. Wynn noted there are also some dead evergreen trees at Telegraph Road Park where the buffer is and, if it is okay with the Board, he will get some proposals for both locations. The Board concurred with Mr. Wynn to get proposals for possible fall planting.

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f) Perkiomen Watershed Conservancy Possible Presentation – Mr. Wynn stated, under the requirements of the MS4 program, the Township is to have a public education and participation seminar. The Township belongs to the Perkiomen Watershed Conservancy and they will spend an hour of their time at the Township building to talk about watershed, stream quality, etc. Mr. Wynn would like authorization to contact Perkiomen Watershed Conservancy regarding a public workshop. Mr. Wynn discussed sediment reduction in detail including changing old basins to wetland basins. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously, to authorize Mr. Wynn to contact Perkiomen Watershed Conservancy to have a special meeting at the Township building. There was no public comment.

g) Hilltown Ridge Improvements – Mr. Wynn stated last fall there was a punch list, they planted some things in several basins, and then work stopped. This spring, they were contacted again and nothing was done during the dry period during March/April. Mr. Wynn stated two weeks ago, a contractor contacted him saying he was authorized to finish the basins but, because of the rain, no work has been done. This contractor stated he was stopped by the Cutler Group last fall from doing any work. Mr. Harris stated the deadline is May 31, 2016 and his suggestion is for the Board to authorize Mr. Wynn to prepare a cost estimate of what it will take to complete the basins, the as-builts, etc., and if they are not done by the June Board meeting, then the Board will authorize to draw the bond down. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously, to authorize Mr. Wynn to prepare a cost estimate to complete all of the work that has to be done at Hilltown Ridge. There was no public comment.

f) Mr. Wynn stated Pulte Homes has purchased the Envision Land Use Development and they would like to change the name from Envision Land Use to something else. The Township has a requirement that the name on the plan has to be the name that they use formally. Buckingham Estates, Parker Estates, and Chapman Estates were a few suggestions from Pulte Homes. A representative from Pulte Homes asked for other suggestions. Supervisor Bennington suggested Tice Estates after a fellow Air Force veteran of his who died during Vietnam which will be considered. No action was taken.

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8. UNFINISHED BUSINESS: None.

9. NEW BUSINESS:

a) Stephen P. Imms, Jr. Esq. – Bishop Estate Vineyard and Winery at 2730 Hilltown Pike – Township Manager Don Delamater stated Solicitor Imms requested a staff meeting with the Zoning Officer, Solicitor, Engineer, and himself to discuss the property at 2730 Hilltown Pike. Mr. Delamater also stated a \$3,000.00 escrow will need to be posted before the Township meets with them. Solicitor Harris stated they would like to know what they can do as a winery. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously, to approve a staff meeting for the Bishop Estate Vineyard. There was no public comment.

b) Orchard Hill Community Association – Fencing around basin located in the Orchard Hill Community – Robert Foley, President of the Home Owner's Association of Orchard Hill, would like to remove the fence around the detention basin since there is very little water in it. Their intension is to put benches around the basin and aquatic plants in the center of the basin. Solicitor Harris stated if the Board decides to waive the requirement for fencing, the Board should require the Home Owner's Association to provide a Certificate of Insurance for minimum one million to two million dollar coverage, get the Township endorsed on the policy as an additional insured, and return a copy of the policy to the Township. Mr. Foley stated their policy is four million. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously, to waive the requirement that the detention basin be fenced in order to allow the Home Owner's Association to remove the existing fence provided they provide the Township with a Certificate of Insurance with a minimum of one million to two million dollar coverage, have the Township endorsed as a party on the agreement, and provide a copy of the actual policy to the Township. There was no public comment.

c) Scott Drumbore – H&K – Requesting for extension of hours for June 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 June 1, 2016 and June 30, 2016, excluding holidays, for the PennDOT projects per their letter dated May 16, 2016. Motion was made by Supervisor Groff, and seconded by Chairman McIlhinney, to grant the extension of hours for the month of June per their letter dated May 16, 2016 with the exception of private

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customers. The motion passed 2-1 with Supervisor Bennington having the opposing vote. There was no public comment.

10. SUPERVISOR'S COMMENTS: Chairman McIlhimey announced the Memorial Day Ceremony is at 10:00 AM on Monday at the Civic Park. Supervisor Bennington questioned the explosion/detonation of the bomb in Bedminster and it seems to have caused a lot of animosity. Chief Engelhart stated they intended fully to detonate it in Hilltown. They did not mean to make anybody angry by doing that; it was not their intention. A suitable location was needed, the location on 313 was offered, and it sounded like the best option to the bomb techs. The location was 1,000 foot distance between that and any residents other than the residents on the property itself. The Board stated they support Chief Engelhart on his decision. Supervisor Bennington thanked his fellow veterans who have given their lives since the Revolutionary War to the present for freedom of this country and he appreciates it. Supervisor Groff stated it was well said.

11. PUBLIC COMMENT: None.

12. PRESS CONFERENCE: None.

13. ADJOURNMENT: Upon motion by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously, the May 23, 2016 Hilltown Township Board of Supervisors Meeting was adjourned at 8:12 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).