

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
REGULARY SCHEDULED MEETING  
MONDAY, APRIL 25, 2016**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman John B. McIlhinney at 7:25 PM. The prior Public Hearing was 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 Timothy Fulmer.

1. ANNOUNCEMENTS: None.
2. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.
3. CONSENT AGENDA:
  - a) Minutes of the March 28, 2016 BOS Meeting
  - b) Financial Report March 31, 2016
  - c) Bills List April 12, 2016
  - d) Bills List April 26, 2016

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

4. CONFIRMED APPOINTMENT:

a) Beth & Fred Maier – 219 Schultz Road – Concerns about neighbor issues – 209 Schultz Road – Mr. & Mrs. Maier, Hilltown Woods, were present to discuss their concerns with the protection of the woodlands in their development. Mrs. Maier stated they have concerns with an environmental issue that is threatening the natural woodlands that were there from the beginning stages of the development. The woodlands contain many trees that are over 80 to 100 years old. They provide filter surface for waters, stormwater runoff, filtration down into Pleasant Spring Creek, as well as clean air, wild life, and preserve the nature of Hilltown Woods. As the land changes hand, the woodlands are reaching a critical point by the cutting of mature trees beyond the codes that have been implemented before 1995. The codes allows for ways to provide control for sensitive natural resources, mature stands of native vegetation, requires a permit for the removal of trees and does not limit this removal of the life of the woodlands, and the allowable removal of a forest or woodland up to 20%, and does not necessarily spell out the contiguous woodland nature. Mrs. Maier stated the reason that they are reaching this critical

point now is because, as they look at the woodlands and change of ownerships, is there something the Township can do or the homeowners can do who live in woodlands and are the codes strong enough to prevent the clear cutting of natural resources. Chairman McIlhinney thanked Mrs. Maier for her presentation and stated the Board will review her statements. Mr. McIlhinney also stated Hilltown has done quite well over the years and centuries without the government getting too heavily involved and private property rights will prevail.

5. LEGAL: Solicitor's Report:

a) Signing the Final Plans & Developer's Agreements for Highfield Estates – Solicitor Harris stated the final plans and the developer's agreements for Highfield Estates are ready to execute the final plans and have them recorded, and to also execute the developer's agreements. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously to authorize the signing of the final plans and developer's agreements for Highfield Estates. There was no public comment.

b) Krusen/May Lot Line Adjustment Plan for Signature – Solicitor Harris stated the Krusen/May Lot Line Adjustment if ready for signature. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously to authorize the execution of the Krusen/May Lot Line Adjustment. There was no public comment.

6. PLANNING:

a) Dublin Agway Land Development – Ed Wild Esq. – Timothy Fulmer stated Dublin Agway Land Development is an existing retail use at the intersection of Rickert Road and Route 113. This project was before the Planning Commission in March and they recommended the Board consider preliminary and final plan approval subject to compliance to the March 10, 2016 engineer review letter. There are items that are up for discussion with the Board including waivers of various items. Solicitor Ed Wild was present along with the operator and owner of Dublin Agway, Dave Wurster, and Bob Showalter of Showalter & Associates. Mr. Wild stated Mr. Wurster wishes to expand the Dublin Agway to ensure the long term viability and stability of the business to guarantee that it will be a long term and continuing business/resident in Hilltown. Mr. Showalter stated the Dublin Agway is approximately 2 acres and the corner

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property is approximately 1.4 acres. The proposal is to have a new parking lot on the corner property that will provide additional parking and an exit out onto Rickert Road. Variances were granted from the Zoning Hearing Board to make the plan an allowable plan. Solicitor Wild stated, in general, C. Robert Wynn's letter dated March 10, 2016 are all either will comply or it is the ordinary and typical comments seen on any land development. The issues that require discussion is the waivers and the issue of the waiver for curbing, sidewalk, cartway widening, overlay or widening on Rickert Road and if there should be fees-in-lieu of the waivers that are requested. In regards to C. Robert Wynn's letter dated March 10, 2016, Chairman McIlhinney questioned item #3 - "Based on review of the Written Decision issued by the Zoning Hearing Board, this office was unable to find any reference to relief granted from storing retail items within the front yard of Rickert Road." Mr. Fulmer stated the issue has been resolved through a clarification by an email from the Zoning Hearing Board Solicitor dated March 18, 2016. Chairman McIlhinney questioned item #4.A in regards to features being shown on the plan if the Township requests them. Mr. Fulmer stated it is a typical recommendation that is made whenever this relief is asked for and it is just to make sure that if there is something that any of the reviewing entities want to see, it can be shown on the plan. Chairman McIlhinney questioned item #4.B in regards to the Township should determine if street improvements are necessary and/or whether the Township should accept a capital contribution for waived improvements from the applicant. Chairman McIlhinney recalls that the Township has an agreement with Dublin and the maintenance of the street in that area towards the Route 313 side and questioned the waivers since the property is on the side that is maintained by Dublin. In the past there was a problem with piping and drainage and questioned how that is affected by the waivers, if they are granted, and receiving payment in the future. Mr. Fulmer stated, from the payment standpoint, there would not be any mechanism for payment at that point and continued to state: 1. Is there any necessity to actually require this applicant to do any additional work to the roads that they are not currently proposing. The plan just proposes the new access work at the intersection on Rickert Road plus minor drainage improvements along the frontage. 2. Other requirements of the ordinance such as cartway widening, curbs, sidewalks, and roadway overlay are not shown on the plan at this time and those are the things that they are requesting relief from and, in other instances in granting relief; there has been a capital contribution that has been discussed as far as waivers of those items. Mr. Wynn's office had prepared a cost estimate of items that are required by the ordinance that are not on the plan currently for Rickert Road and that amount is approximately \$32,000. Mr. Wild stated he wishes the Board to consider in contemplating the request for waiver or some mitigation: 1. The corner property could have developed as a

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stand alone separate commercial use. It is being developed more as an accommodation for the existing client and the existing business uses of Dublin Agway. 2. Rickert Road is the dividing line between the Borough and the Township and the Borough takes care of the road. As part of that, the road is in pretty decent condition and some improvements might be warranted. Mr. Showalter's estimate was approximately \$18,000. Mr. Wild stated, taking the curbing off would bring the number down to \$13,000 and it would be more than a sufficient number to address potential repairs or improvements to the road that might be warranted by the limited impact. Mr. Wild stated Dublin Agway has been a long term business resident and has been a great steward of the property, they are trying to continue to be a great steward of the property, and they have developed it in a way that really mitigates the impact rather than accelerates the impact. Mr. Fulmer stated the ordinance does say that curb is required along all existing through streets where deemed necessary by the Township. In the past, their interpretation of that statement is that curbs are required unless it is waived by the Supervisors. Mr. Fulmer stated, with all due respect, that is the way they have reviewed plans for many, many years and that is the way it has always been in the ordinance in terms with the way they have read it. Mr. Fulmer stated his number is to include curb and the milling and overlay for the full width of the road 20' wide for the full length of the property frontage per the ordinance requirements. Mr. Fulmer stated Mr. Showalter's cost estimate is to repair a few sections of the road and not to mill and overlay. Chairman McIlhinney stated, not too long ago, something had to be done with the piping on Rickert Road per Dublin and asked Mr. Fulmer if that was done. Mr. Fulmer stated he will research with Dublin what has been done. Chairman McIlhinney stated if waivers are granted and it turns out that the piping has to be fixed, he does not want to be on the short end of the stick. Supervisor Bennington questioned Mr. Fulmer that if the sidewalk requirement and the full overlay were taken out, is the number closer to the \$13,000 of Mr. Showalter's. Mr. Fulmer stated if the sidewalk in the amount of \$5,800 is taken out, add in the curb, the ADA ramp, the wearing course and widening stone paving, but take out the mill and overlay for the full width, it gets the number to \$12,600 with an additional \$1,000 for the repair of the bad spots. To keep the sidewalk in would bring the number to around \$18,000. Chairman McIlhinney stated a number around \$15,000 would make everyone happy with the provision that it is researched with Dublin Borough in regards to what they did or didn't do. Mr. Fulmer suggested granting the waivers subject to receiving the \$15,000 unless information is brought to the Township's attention, through an inquiry from Dublin Borough, that there is more work to be done. If there is more work to be done, then Dublin Agway would have to come back to the Supervisors to resolve the issue whether to change the amount of the money or changing the

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scope of work on the road. Motion was made by Chairman McIlhinney, seconded by Supervisor Bennington, and carried unanimously to grant preliminary and final approval for the Dublin Agway Land Development subject to the April 20, 2016 letter from C. Robert Wynn, the compliance with all of the outstanding items contained in the March 10, 2016 review letter from C. Robert Wynn Associates, and, with respect to the waivers noted in item #4 of the letter, granting the waivers subject to the requirement of the street improvement item #4B, that this applicant will be responsible to provide the Township with the capital contribution in the amount of \$15,000 in the event that Dublin Borough has no further issue with any improvements along the Hilltown Township side of Rickert Road. However, in the event that Dublin Borough would have any issues with any further work to be done on the Hilltown Township side of Rickert Road, the waiver will be reconsidered and possibly the capital contribution will be readjusted accordingly at the discretion of the Board of Supervisors and re-open the entire approval process of the Dublin Agway Land Development. There was no public comment.

7. ENGINEERING:

a) Coventry Meadows Subdivision – Extension – Mr. Fulmer stated Toll Brothers has requested an extension to complete the public improvements at both Coventry I and Coventry II subdivisions located on Orchard Road until October 11, 2016 per their letter dated April 11, 2016. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously to grant the extension for the completion of public improvements for Coventry I and Coventry II subdivisions located on Orchard Road until October 11, 2016 per their letter dated April 11, 2016. There was no public comment.

b) Rickert Road Culvert Bids – Mr. Fulmer stated seven bids were received for the Rickert Road Culvert replacement and since the bids were opened, Mr. Wynn has discussed the project with Public Works Director, Tom Buzby and they both feel that the recommendation from the Board of Supervisors should be is to table the bids to re-evaluate to possibly do more minor repairs on the bridge because of the amount of money that would be expended to do the work in light of the fact that the Township has other pressing projects to be done this year. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously to table the Rickert Road Culvert Bids. There was no public comment.

c) Subdivision Ordinance Amendment – Mr. Fulmer discussed the proposed Subdivision Ordinance amendment and highlighted Article XII Section 140-38 regarding Page 5

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Stormwater Management, first paragraph is revised to add the following: Stormwater facilities shall be designed to manage runoff from the maximum permitted site and individual lot impervious surface for all major residential subdivisions (three (3) lots or more) where the smallest lot is less than three (3) acres. Mr. Wynn is seeking permission to send the document as written to the Bucks County Planning Commission and, if the BCPC provides any review input, then he would also like to take it back to the Township Planning Commission for formal review. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously to authorize Mr. Wynn to send the Subdivision Ordinance Amendment to the Bucks County Planning Commission for review. There was no public comment.

d) Zoning Ordinance Table of Performance Standard – Mr. Fulmer discussed the Zoning Ordinance Table of Performance Standards amendment that was brought up regarding the Bethel Subdivision plan which had an issue that the lot owners are bound by the restrictive impervious coverage. Mr. Wynn has proposed an amendment to the ordinance to provide what is required during subdivision approval and also what would be allowable subsequent to subdivision completion where the lot owners would then have additional area for each lot. Mr. Wynn would like the Supervisors to authorize the Zoning Ordinance to go before the Township Planning Commission for further review and then it would come back to the Board of Supervisors before going forward to the Bucks County Planning Commission and, ultimately, to a hearing. Chairman McIlhinney questioned the footnote #3 on Attachment 1 (Public sewer required) and the only place it shows up is Single Family VC. Mr. Fulmer stated he will look into it. Chairman McIlhinney also questioned Attachment 2, VC – Traditional Neighborhood Development – and if Mr. Wynn has given any thought to the 15 minimum acres exceeds the amount of land available in the villages so that it may need to be looked at. Mr. Fulmer stated he will take the two items back to Mr. Wynn to be re-looked at and with the Township Planning Commission. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously to authorize the Township Planning Commission to review the Zoning Ordinance Table of Performance Standards. There was no public comment.

8. UNFINISHED BUSINESS:

a) Sarah Prebis – Inquiring about movies in Hilltown Township Park – Sarah Prebis was in attendance to ask for any help with \$1506.00 for two movies in the Hilltown Township Park to be coordinated with the Township Manager. Motion was made by Supervisor

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Bennington, seconded by Supervisor Groff, and carried unanimously to authorize the payment in the amount of \$1506.00 for two movies in Hilltown Township Park; one movie in June and one movie in July. There was no public comment.

b) Resolution 2016-010 Designating Donald D. Delamater, Township Manager as Agent to execute all required forms/documents for the purpose of obtaining financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act – Township Manager Delamater stated the Township is eligible to receive FEMA money for the January 22-23, 2016 storm. Mr. Delamater stated he attended a kick off meeting and will attend a meeting with Ms. Leslie, along with the FEMA representatives directly, to go over all of the documents. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously to authorize Resolution #2016-010 for Township Manager, Donald D. Delamater, to execute all required forms/documents for the purpose of obtaining financial assistance under the Robert T. Stafford Disaster Relief and Emergency Assistance Act. There was no public comment.

9. NEW BUSINESS:

a) Accept Asphalt Maintenance Solutions Bid 2016-002 to the Bucks County Consortium for Crack Filler at \$0.56 per pound picked up by the Hilltown Township Public Works Department – Township Manager Donald Delamater presented the Asphalt Maintenance Solutions Bid #2016-003 to the Bucks County Consortium for Crack Filler at \$0.56 per pound picked up by the Hilltown Township Public Works Department. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously to accept Asphalt Maintenance Solutions Bid 2016-003 to the Bucks County Consortium for Crack Filler at \$0.56 per pound picked up by the Hilltown Township Public Works Department. There was no public comment.

b) Bid Award to Bid #2016-001 Asphalt Bituminous Seal Coat – Township Manager Donald Delamater presented Bid #2016-001 for Asphalt Bituminous Seal Coat. Mr. Fulmer stated the bid opening was on April 15, 2016 with two bids received. The low bid was from Asphalt Industries, Inc. in the total amount of \$225,472.68 for both single and double bituminous seal coat on various roads, and recommends the Board awards the bid to Asphalt Industries in that amount subject to receiving the performance payment bonds, the certificate of insurance, and compliance with all other requirements of the contract documents. Motion was made by

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Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously to accept Bid #2016-001 Asphalt Bituminous Seal Coat for \$225,472.68 to Asphalt Industries. There was no public comment.

c) Bid Award to Bid #2016-002 Super Paving – Tim Fulmer presented the Super Paving bid that was opened the same day with the low bid from Blooming Glen Contractors in the amount of \$132,987.00 with the recommendation the Board awards the contract for Super Paving to Blooming Glen Contractors in the amount of \$132,987.00, and, since some funds will be used from Liquid Fuels, it should also be contingent upon the project being approved from PennDOT as well as receiving the performance payment bonds, the certificate of insurance, and compliance with all other requirements of the contract documents. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously to accept Bid #2016-002 Super Paving in the amount of \$132,987.00 to Blooming Glen Contractors subject to the project being approved from PennDOT as well as receiving the performance payment bonds, the certificate of insurance, and compliance with all other requirements of the contract documents. There was no public comment.

d) Authorization to engage the firm of Edward G. Browning for appraising (2) properties – Township Manager Donald Delamater requested authorization to engage the firm of Edward G. Browning for the appraisal for two (2) properties. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously for authorize the firm of Edward G. Browning to perform two appraisals of open space property. There was no public comment.

e) Donation to the Pennridge Key Club – Township Manager Donald Delamater presented a request from Pennridge Key Club in the amount of \$100.00. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously to authorize a donation to the Pennridge Key Club in the amount of \$100.00. There was no public comment.

f) Scott Drumbore – H&K – Requesting for extension of hours for May 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 May 1, 2016 and May 31, 2016, excluding holidays, per their letter dated April 19, 2016. Chairman McIlhinney noted the statement of "private contractors" was taken out of their current extension letter. Township Manager Donald Delamater stated he inquired with H&K on the statement of "private



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contractors" and H&K replied that it has been in every letter since the end of 2014. Motion was made by Supervisor Groff, and seconded by Chairman McIlhinney, to grant the extension of hours for the month of May per their letter dated April 19, 2016 with the exception of and/or "private contractors." Supervisor Bennington questioned how it would be monitored for H&K to not provide to private contractors. Chairman McIlhinney stated it cannot be done and it was not the intent of the extended hours. Supervisor Groff stated he does not recall getting any complaints regarding the quarry. 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 would encourage everyone on Tuesday to vote for the right candidate. Supervisor Groff stated the Water and Sewer Authority will be flushing hydrants beginning next week and to give the Authority a call if anyone has any questions. Supervisor Groff stated someone came into the office today regarding a fence on the back side of Orchard Hill and he gave the information to Don. It is around the basin and he had some questions/concerns. Chairman McIlhinney stated the Board of Supervisors met in Executive Session prior to the meeting to discuss pending litigation matters.

11. PUBLIC COMMENT: None.

12. PRESS CONFERENCE: A member of the press had questions regarding the bids and the FEMA relief.

13. ADJOURNMENT: Upon motion by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously, the April 25, 2016 Hilltown Township Board of Supervisors Meeting was adjourned at 8:35 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).