

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
REGULARY SCHEDULED MEETING  
MONDAY, DECEMBER 14, 2015**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman John B. McIlhinney at 7:10 PM and opened with the Pledge of Allegiance. Also in attendance were Vice-Chairman Kenneth Bennington, Supervisor James Groff, Township Manager Richard Schnaedter, Chief of Police Christopher Engelhart, Township Solicitor Steve Harris, Township Treasurer Lorraine Leslie, and Township Engineer C. Robert Wynn.

1. **ANNOUNCEMENTS:** Chairman McIlhinney stated there was an executive session prior to the meeting to discuss legal and real estate items.
2. **PUBLIC COMMENT ON AGENDA ITEMS ONLY:** None.
3. **CONSENT AGENDA:**
  - a) Minutes of the November 23, 2015 Board of Supervisor's Meeting
  - b) Financial Report for November 30, 2015
  - c) Bills List November 24, 2015 – December 10, 2015
  - d) Sellersville Fire Company 2016 Fire Agreement – Signature from BOS
  - e) Silverdale Fire Company 2016 Fire Agreement – Signature from BOS
  - f) Souderton Fire Company 2016 Fire Agreement – Signature from BOS

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

4. **UNFINISHED BUSINESS:**

a) **Adoption of the 2016 Budget** – Township Manager Richard Schnaedter stated the proposed 2016 Budget has been properly advertised and there is no tax increase from last year and will remain at 8.75 mills. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously to adopt the 2016 Budget. There was no public comment.

b) **Consider adoption of Bamboo Ordinance** – Solicitor Harris stated several concerns have been brought to his attention in regards to the proposed bamboo ordinance, he would like time to review the ordinance so there is not any confusion, and bring it to the January 25, 2016 Board of Supervisor's meeting for consideration. Motion was made by Supervisor

Page 2  
Board of Supervisors  
December 14, 2015

Bennington, seconded by Supervisor Groff, and carried unanimously to table the bamboo ordinance until the January 25, 2016 Board of Supervisor's meeting.

Public Comment: Mr. Robert Maxwell, 8 Woodlawn Drive, Blooming Glen, PA stated the only way to get rid of bamboo is to incinerate it and Hilltown is a non-burning Township. He also stated his property is landlocked with 2/3 being on a watershed easement, and he is not able to use contaminants. He stated he does not want bamboo; it is a roadway safety concern, and a nightmare.

c) Consider adoption of Planning Commission Ordinance – Solicitor Harris presented the Planning Commission ordinance reducing the number of members from seven to five and reducing the quorum requirement from four members to three members. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously to adopt Ordinance #2015-008 reducing the Planning Commission from seven members to five members and the quorum requirement from four members to three members. There was no public comment.

d) Network of Victims Assistance – Jason Smeland, Lenape Valley Engineering, was in attendance to review several outstanding items from his attendance at the October Board meeting. The project is a proposed 9500 square foot thrift shop on three acres located at the intersection of Route 313 and Broad Street. Seventy eight parking spaces are proposed but a number of them at the rear of the property will not be striped. The project received zoning relief to allow the use of on-lot water and septic. The applicant is in the process of securing the permits for the sewer and NPDES. The Planning Commission recommended preliminary/final approval. One of the waiver requests was to allow parking up against the building and if it would be an issue from fire safety. The Dublin Fire Chief reviewed the plan and sent an email saying that he does not have any problems. The traffic impact study was done based on normal retail hours. There is a note on the plan stating if the use is changed, a new traffic impact study will have to be performed before the use can be changed. Solicitor Harris noted the plan does not have the traffic impact study note. Mr. Smeland stated the comment in Mr. Wynn's August 24, 2015 review letter will be placed on the plan stating: "Additionally, in the event that the use of the site is revised in the future, plan should note that an updated Traffic Impact Study will be required to verify that the proposed change in use does not adversely impact the existing

Page 3  
Board of Supervisors  
December 14, 2015

roadway network and site access from the current condition." Solicitor Harris stated the note should read that in the event that the use is changed, a traffic study will be done and will abide by the recommendations of that traffic study. A new use will need to be looked at with a new study and address the impacts to the satisfaction of the Township. Chairman McIlhinney asked if Andy Heinrich's review letter dated October 23, 2015 was reviewed and if the recommendations were going to be incorporated into the plan. Mr. Smeland stated he would incorporate the recommendations, to the extent, that Mr. Heinrich believes that they need to do them. They have had conversations and some of the information that he is asking for may not necessarily help them in determining what the actual improvements, if any, would be needed at the intersection. Some of the things Mr. Heinrich is asking for are not going to change the result of the traffic study so they may ask him to say if they can just provide the information to show why the calculations were done this way. It is a will comply to the extent that Mr. Heinrich needs them to provide the information that he is satisfied. Chairman McIlhinney discussed his concerns in regards to the size of a tractor trailer coming down Broad Street and makes a right hand turn into the parking lot. Mr. Smeland stated he can provide different traffic movements if needed. The typical traffic in this area is going to be a single body truck and, of course, emergency equipment. Chairman McIlhinney stated he would like to see the trucks not having to swing out into the other lane in order to make it into the parking lot, whether it is a tractor trailer or a large truck. He went on to state it should not be designed to allow them to have to go into the opposite lane in order to get into the project. If the lawn area could be cut down and make it wider with asphalt, the tractor trailer wouldn't have to go into the other lane to turn into the parking lot. Mr. Smeland stated he will look into the movement, show the template, and can move it back if they need to. Mr. Smeland stated the well is shallow but passed the tests. The volume of water that the well produces is a little low and it is recommended the existing well is drilled deeper. All of the water issues are resolvable. Mr. Smeland stated NOVA sent the Township a letter dated November 18, 2015 stating they will be seeking tax exempt status. They do not know if they will get it or not and cannot apply at this time. Their intent is to pay whatever taxes they are required to pay. Their letter goes on to state NOVA provides a very valuable service to Bucks County, including Hilltown. All of the proceeds from the Thrift store go directly to servicing NOVA and their mission. The money that comes from the Thrift store does not come with restrictions. They are seeking tax exempt status for a worthy cause and it is not a lot of money when you look at the Township portion of it. Chairman McIlhinney stated the amount of taxes that is being paid on the property is based with an old farmhouse on it. The current project may be worth 2 million dollars which will amount to \$25,000 a year taxes for the

pg 8235

Page 4  
Board of Supervisors  
December 14, 2015

Township and school district and a lot of other places if that tax money was paid. Chairman McIlhinney went on the NOVA website and to view the 2013 tax return which indicated a 2.5 million budget, 97% of it comes in from grants, -\$25,000 in business sales, 2.7 million in income, and 94% was paid out in salaries. Chairman McIlhinney stated the Board was told there were 40+ employees and they were all volunteers, but report states 21 people working 40 hours/week and the director at 50 hours/week at \$133,000/year. The payroll and benefits equals \$82,330. Mr. Smeland stated he sees the job that NOVA does and the good work that they do for the community and the line of questioning is insulting. Mr. Kirkner, Director of Finance and Administration for NOVA, stated some of the reading or interpretation of the tax return is not accurate. In the current the fiscal year, sources of government funding constitute about 60% of the total revenue, the thrift shop annually grosses about \$450,000 dollars, which of that, they retain in unrestricted funding about 53% of that gross. In terms of salaries, they spend about 70% of the budget expense of salaries and benefits combined for a total work force of 50 people. \$133,000 is the value of donated services of volunteers which amounts to the \$23/hour range. Chairman McIlhinney stated the money is available, people are paid, but it was said that they are all volunteers. Mr. Kirkner stated there are over 100 volunteers at the organization and 50 employees. Chairman McIlhinney stated if the assets are showed at 3 or 4 million dollars' worth of real estate, a payroll that is roughly 2 million dollars, and other expenses, why can't taxes be paid on a building to the Township. Mr. Kirkner stated they are not saying that they won't pay the taxes and intend to pay them as long as they are legally bound to do so. They don't even know at this point, if they apply for an exemption to the County Board of Assessment, it would be granted. The projected total cost of this project is about 1.2 million, is a large project to take on, and hope the thrift shop, with increased square footage, will yield enough to pay for itself and continue to help NOVA provide direct service at no cost. Chairman McIlhinney stated he made his point that there is money available that is spent on various things including, notably, good things for the community, however, they are going into competition with other retail outlets who then have to pay the taxes to make up for what they may not be paying. Mr. Smeland stated the applicant is asking for preliminary and final approval. The waivers were discussed back in October. Supervisor Bennington asked for clarification of the hours of operation. Mr. Smeland stated the hours of operation is 10:00 AM – 5:00 PM Monday – Saturday and 12:00 PM – 5:00 PM on Sunday. Mr. Wynn stated the cost estimate of waived improvements for fee-in-lieu of is \$22,807.80 and that is for the widening and curb that they are not doing. Solicitor Harris stated there was discussion on how the issue of a new use and traffic study would be resolved and what is the condition if the Board of Supervisors were to grant preliminary/final approval based on the

Page 5

Board of Supervisors

December 14, 2015

consultant's review letters with the revision that was talked about regarding the traffic study, what relief are they requesting from the traffic engineer, Andreas Heinrich's letter. Mr. Smeland stated in regards to Mr. Heinrich's letter dated October 23, 2015: 1. Another traffic study and traffic count on a Saturday hours – it is not necessary, they know what the problem is at the intersection and it is not going to show anything different then what they already know as the issues and it is not going to change the end conclusion of the results. 2. They do not want to do an additional traffic study for no reason because it is not going to give additional data that is going to help to make a different decision. Mr. Smeland stated what he would be comfortable with is that he addresses these issues to the comfort level of Mr. Heinrich and will do additional studies if needed. Mr. Smeland stated if additional study data is needed, there will not be any kind of revision to the plan or to the intersection. Chairman McIlhinney stated it is already a failing intersection, no improvements are being proposed of any kind as per the last discussion, and there is a report from Mr. Heinrich of what to do, and Mr. Smeland is stating he knows better than Mr. Heinrich. Mr. Smeland stated he is looking at the conclusions and the results of what Mr. Heinrich says to do. Mr. Smeland stated the applicant is willing to put a street light up to help the intersection in the evening hours to increase visibility and resolve the other issues with Mr. Heinrich to his satisfaction. Mr. Wynn stated if there are changes that need to be made to the plan, for example the radius; it is not unusual for that to happen after final plan approval for a change like that. If there is a significant change, it would have to come back to the Board as a revised final plan. It was noted that settlement is on January 8, 2016. Supervisor Bennington stated he truly believes that the work that NOVA does is exemplary and needed in the community and if he were on the board of NOVA he would certainly apply for tax exemption to see where the chips fell. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously to grant preliminary/final plan approval for the NOVA Network of Victims Assistance land development with the conditions discussed in regards to Mr. Heinrich's review letter dated October 23, 2015, the remaining items in Mr. Wynn's review letter dated August 24, 2015, the traffic study note on the plan, the offer of the street light, and the plan subject for a re-review if there is a major change. There was no public comment.

5. NEW BUSINESS:

a) Pennridge Community Center – Patricia Guth, who serves on the advisory board, was in attendance to make a brief presentation on the Pennridge Community Center. Mrs. Guth thanked the Board of Supervisors for their generous contributions to the center over the past seven years. Mrs. Guth stated the center is a community center with no restrictions on

Page 6  
Board of Supervisors  
December 14, 2015

membership age and is available to all residents of the community. Currently, the center's membership is 650 people. The programs that are offered are focused on life skills, technology, social life, fitness, wellness, health care, and other activities such as art classes, book clubs, reading, writing, and research. In the past two years, the center was awarded two competitive grants from the Pennsylvania Department of Aging. The first grant was in the amount of \$35,108.00 to improve the technology program. The second grant was in the amount of \$74,969.00 to remodel the patio with a concrete floor and a roof. The center must generate all funds required for operation which includes a mortgage, insurance, utilities, and upkeep. Funds come from yearly membership fees, rental fees, fundraisers, and donations from individuals and municipalities. To have a balanced budget, the center needs to generate \$15,202.00 and hope that Hilltown Township will be able to help. Mrs. Guth continued to state the center is most appreciative of Hilltown Township's past contributions and hope they will again consider the Pennridge Community Center worthy of their continued support. Chairman McIlhinney questioned the \$74,969.00 grant and asked why it was carried over. Mrs. Guth explained their year starts in July and they just started to pay the bills so it was all carried over and their budget is the same as last year. Mrs. Guth, again, thanked the Board of Supervisors for their support.

b) Wally Rosenthal – Presentation of Plan – Wally Rosenthal, along with Nancy Templeton, Black and Associates, was in attendance to present a concept plan for a retirement village located at Bethlehem Pike and Swartley Road. The plan is a mix use, The Hilltown Promenade as well as an over 55 retirement village, Country View at Hilltown. Mr. Rosenthal stated they propose to request relief to extend the PC-1 District, which is served by public water and public sewer, to the 18 acres at the back of the property. He will be looking for a reduction in the open space requirement from 40% to 25% with the difference being approximately 5 acres for the whole project. In addition, he is hoping to get a reduction in the commercial parking requirements along Route 309 to enable them to create an environment that is a combination of a life style center as well as some box stores. He is hoping to get some support and encouragement from the Board of Supervisors to move forward on the project. The project will have hiking trails, nature trails, and a mid-rise condominium retirement community as well as assisted living. To take advantage of the scenery and the beautiful panoramic views, possibly a restaurant on the top floor. Mr. Rosenthal stated the ordinance calls for a 35 foot maximum height and the ordinance also states there is a mid-rise part of the ordinance that allows up to 75 feet. They would like to do 4 or 5 stories which will be under the 75 feet but above the 35 feet. Chairman McIlhinney stated there is an 85 foot elevation drop and it will blend into the background. Supervisor Bennington stated there may be a problem with the local fire company

that services this particular area if they don't have equipment that reaches high enough. Mr. Wynn stated the units will have to be sprinklered. Mr. Rosenthal stated, a few years ago, the Township had eight dwellings in the B-4, recently reduced to five. He is hoping, in order to support the amenities, do seven units per acre. Because of the ever changing market and because the ordinance encourages various types of dwelling units, they need to work with the market dynamics that may change with combinations of single cottages, carriage homes, townhouses, quads, and condominiums. They are hoping to have latitude to enable them to reflect the market as they progress. Solicitor Harris questioned how he will react to the market dynamics. Mr. Rosenthal stated he would hope to be able to shift one for the other to accommodate the density with the amenities and, in turn, make arrangements for the additional density by lowering the open space and, perhaps, decreasing the buffers that are required of 75 feet to 50 or 60 feet. With proper landscaping, they can get the same effect and the same result with 50 or 60 feet of buffer than they can with 75 feet. Mr. Rosenthal stated the clubhouse would be a combination of clubhouse, conference center, restaurant, exercise room, IT room, and would be multi story. Mr. Rosenthal stated he is looking for encourage and support from the Board of Supervisors to move forward on the overall concept. For example, the corner shows a convenience store and gas station. It could be a bank or a drugstore. All of the amenities could be related to senior living. There is also a bowling alley and movie theatre. It could also be a sports center for indoor sports for hockey, soccer, football, and track and field. It could be an all sports facility including paint ball. Mr. Rosenthal is asking for something on the record that he can take to a financial institution as well as joint venture interests and get feedback from the Board of Supervisors for the overall concept and move forward with the Planning Commission and the necessary steps. Chairman McIlhinney stated the concept is fine and reiterated the zoning ordinance will generally be complied with or have some minor variances requests. Also, how restrictive can it be to make sure it stays 55 and older? Mr. Rosenthal stated people are living a lot longer and they want to have a senior facility that has amenities right on the premises. Through the size and design, they can eliminate families because they will have one or two bedrooms or one bedroom and a den. Solicitor Harris stated for Mr. Rosenthal to come back to the Board of Supervisors with the proposed zoning ordinance and a list of how the zoning ordinance deviates from the present zoning ordinance so that he can assess the impact of the proposal. Supervisor Bennington stated he is concerned about the 75 foot height. Mr. Rosenthal stated it will not be 75 feet but he will comply with whatever is required to keep it safe. Solicitor Harris discussed the property lines of the types of dwellings within the plan. Mr. Rosenthal stated they will ask for open space reduction, reducing the parking spaces in the commercial area, increase the

Page 8  
Board of Supervisors  
December 14, 2015

dwellings per acre from five to seven, and decrease the buffer setbacks from 75 feet to 50 or 60 feet. Mr. Wynn stated they want the percentage of open space to be reduced to 30 percent for the purposes of calculating the number of units that can be placed on the property while still providing at least 40 percent of actual open space ground. Mr. Rosenthal stated he wanted to assure the Board that aesthetics are very important, but the realities of the market place and the fiscal realities dictate that it requires a little more latitude in order to make this palatable for financial institutions and joint venture people. They are looking to maintain the rural aspect and reflect the characteristics of Hilltown Township. Solicitor Harris asked, in regards to the maximum density, if the maximum density is calculated just on the residential portion of the property or on the entire property. It was stated the maximum density is calculated on the residential portion. Mr. Rosenthal stated to look at the project as one big 57 acre project, with the zoning throughout the whole project of PC-1, a combination of commercial along Route 309, and a retirement village behind it. Chairman McIlhinney stated he likes the concept plan of 55 and older in the back and the commercial in the front. Supervisor Bennington stated he is okay with the concept. Supervisor Groff stated he is okay with the concept and agrees with Solicitor Harris's points including what to do if the market changes. Mr. Rosenthal stated, demographically, he believes that there will be sufficient elderly to support this for many years to come.

c) Scott Drumbore – H&K – Requesting for extension of hours for December of the Concrete & Asphalt Plant at the Skunkhollow Quarry – Township Manager Richard Schnaedter stated H&K has complied with the Township's request to receive a written request by December 1, 2015 for the extension of hours for December. A request was received 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 December 1, 2015 and December 31, 2015, excluding holidays, per their letter dated November 24, 2015. Motion was made by Supervisor Groff, and seconded by Chairman McIlhinney, to grant the extension of operating hours of 6:30 pm to 6:30 am at the Skunkhollow Quarry from December 1, 2015 and December 31, 2015, excluding holidays per their letter dated November 24, 2015. The motion passed 2-1 with Supervisor Bennington having the opposing vote. There was no public comment.

d) Regency at Hilltown – Pump and Haul Agreement – Chairman McIlhinney presented a pump and haul agreement for the Regency at Hilltown. Motion was made by Supervisor Bennington and seconded by Supervisor Groff, to accept Resolution #2015-017 for



Page 9  
Board of Supervisors  
December 14, 2015

the Regency at Hilltown Pump and Haul Agreement. The motion passed 2-1 with Chairman McIlhinney having the opposing vote.

e) Solicitor Harris stated he has received the deed of dedications and the maintenance agreement in the amount of \$699,426.00 for the interior streets of Ashland Meadows. Solicitor Harris also stated Toll Brothers will remit the amount of Liquid Fuel funds to the Township since the deadline for submission was September 1, 2015. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously, to accept the dedication of interior streets in Ashland Meadows and execute the maintenance agreements for Ashland Meadows. There was no public comment. Mr. Wynn added there are two more cross walks to install on Rickert Road and Telegraph Road and Rickert Road that is not done yet because that portion of Rickert Road gets repaved by Toll Brothers. Solicitor Harris states that language is in the agreement, and, also, there is language that there is a section of sidewalk that needs to be repaired in front of lot 4 and on-going maintenance of the stormwater basin. Mr. Wynn stated, in regards to the stormwater basin, the NPDES signoff has not been received yet.

f) Mr. Wynn stated, per the new PennDOT requirements for Liquid Fuel funds, the Resolution #2015-18 will need to be executed by the Board of Supervisors for the inclusion of the roads of Ashland Meadows for the funds. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously, to execute Resolution #2015-18 to fulfill the PennDOT requirement for inclusion of Ashland Meadows for liquid fuel funds. There was no public comment.

6. SUPERVISOR'S COMMENTS: Supervisor Bennington, Supervisor Groff, and Chairman McIlhinney wished everyone a Merry Christmas and a Happy New Year. The next Supervisor's meeting will be January 4, 2016. Supervisor Groff stated he met with the Boy Scouts Hilltown Troup 67 and it went well.

7. PUBLIC COMMENT: None.

Page 10  
Board of Supervisors  
December 14, 2015

- 8. PRESS CONFERENCE: No members of the press were present.
  
- 9. ADJOURNMENT: Upon motion by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously, the December 14, 2015 Hilltown Township Board of Supervisors Meeting was adjourned at 9:10 PM.

Respectfully submitted,



Richard C. Schnaedter  
Township Manager/Secretary

(\*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).