

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARY SCHEDULED MEETING
TUESDAY, MAY 26, 2015**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman John B. McIlhinney at 7:00 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 Peter Harrison, and Township Engineer C. Robert Wynn.

1. ANNOUNCEMENTS: None.
2. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.
3. CONSENT AGENDA:
 - a) Minutes of the April 27, 2015 Board of Supervisor's Meeting
 - b) Financial Report – May, 2015
 - c) Bills List April 29, 2015 – May 8, 2015
 - d) Bills List May 13, 2015 – May 21, 2015

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 the following corrections on the minutes: 1. Page 2 8(b) Recycle Yard Waste Relocation, it should read Bucks County **Conservation** District 2. Page 3 h) Soliciting Ordinance, Supervisor Bennington's comment should read "... hot dog vendors that show up at **all** fields are providing background checks ..." 3. Page 4, second to last line in the first paragraph, it should read, "... these people here tonight were not part of that organization and **we** cannot hold them accountable ..."

On the Budgeted Revenue and Expense Statement, General Fund April 2015 under Revenue – Rents account #01-342-300, Supervisor Bennington asked if the cell tower rental annual budget will be increased or reflect the change that was made recently in the increase in rent. Mr. Schnaedter stated it has not taken effect yet but the line item will show the actual exceeding the budget. Also, under Expenses – Police Services, Unemployment Compensation account #01-410-162, Supervisor Bennington questioned why the Township is in the whole for \$10,000 when there is nobody on Unemployment Compensation. Mr. Schnaedter stated a rate has to be paid based on employees and he will take a look at why the line item was under budgeted in the amount of \$1800. There was no public comment.

4. CONFIRMED APPOINTMENTS: None.

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5. LEGAL: Solicitor's Report – Solicitor Harrison stated resolutions have been prepared for the three properties to be included in the Agricultural Security Area. The properties are identified as: (Rosenberger – 15-017-053 – 53.522 acres), (Nogami – parcel #15-017-052 – 11.779 acres), and (Myers – parcel #15-017-050 – 19.2 acres). Chairman McIlhinney stated the three parcels were reviewed by the Ag Security Board and were accepted at the time subject to all of the legal ramifications required to enroll them into the Agricultural Security Area. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously to adopt Resolution #2015-11 to authorize the Township to proceed with the legal requirements for the process for adding the Rosenberger, Nogami, and Myers parcels into the Agricultural Security Area.

6. PLANNING:

a) Kirk Tract Subdivision – Revised Final Plan – The Kirk Tract Subdivision plan is an approximate 50 acre parcel of land to be subdivided into 13 single family dwelling lots located at Upper Stump Road and Skunk Hollow Road. Mr. C. Robert Wynn stated the applicant proposes to revise the shared driveway design serving lots 7 and 8 to access the internal roadway (Candlelight Lane) via a shared access easement across lots 6 and 7, in-lieu-of directly accessing Skunk Hollow Road as shown on the prior plan. Mr. Wynn stated the Planning Commission recommended conditional revised final plan approval subject to the April 21, 2015 engineering review letter. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously to grant conditional revised final plan approval for the Kirk Tract Subdivision contingent upon Mr. Wynn's review letter dated April 21, 2015, and correspondence dated May 20, 2015. There was no public comment.

b) HTWSA Pole Building L/D Waiver – Mr. Wynn stated the applicant seeks a waiver of land development plan submission requirements to construct a 960 SF accessory structure on the 7.88 acres parcel located at Highland Park Road for storage. The Planning Commission recommended the approval of land development waiver subject to the compliance with the Township's Stormwater Management Ordinance, verification of approval from the Bucks County Conservation District, and compliance with any other requirements of the Zoning Ordinance and Building Code. Mr. Tom Kelso stated the building is not terribly visible from residential properties and butts up against A&T Chevrolet. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously to grant a waiver of land

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development process for the HTWSA pole building contingent upon Mr. Wynn's review letter dated May 5, 2015. There was no public comment.

7. ENGINEERING:

a) Moyer Road Bridge – Bridge Bundling Process – Mr. Wynn brought the Supervisors up to date by stating PennDOT is preparing the agreements for the Bridge Bundling Program thru the Department's on-line Reimbursement Agreement System even though for this program there are no reimbursable costs. PennDOT is funding all pre-construction and construction costs. The agreement must be fully executed prior to construction. July 15, 2015 is the target for execution and a draft should be received soon. Chairman McIlhinney questioned if the agreement will include the design work. Mr. Wynn believes it will as it would be a pre-construction cost but will need to see the agreement to verify.

b) Ashland Meadows Subdivision – Completion deadline extension (to 11/31/15) – Mr. Wynn stated correspondence dated May 13, 2015 was received from Toll Brothers requesting an extension to November 31, 2015 for completion of improvements at the Ashland Meadows Subdivision. Mr. Wynn noted there is no such date as November 31, 2015 so the date should be November 30, 2015. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to grant the extension for completion of improvements to November 30, 2015 for the Ashland Meadows Subdivision contingent upon their letter dated May 13, 2015. There was no public comment.

8. UNFINISHED BUSINESS: None.

9. NEW BUSINESS:

a) Bid Award for 2015-001 Bituminous Sealcoat – Mr. Schnaedter stated one bid, for two different items, was received on May 18, 2015 for bituminous sealcoat from Asphalt Maintenance Solutions, LLC. The first bid was for Type A, #10 aggregate for the quantity of 137,558 square yards and a unit price of \$1.29. The second item was for approximately 15,378 square yards, Type A, #8 aggregate and a unit price of \$2.38. Mr. Schnaedter spoke with the Public Works Department who thought this was a very good price and would recommend the Board of Supervisors except the proposal from Asphalt Maintenance Solutions. Chairman

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McIlhinney questioned if Asphalt Maintenance Solutions have done work in the Township in the past and Mr. Schnaedter confirmed that they have and they have done a satisfactory job. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously to award Bid #2015-001 for bituminous sealcoat to Asphalt Maintenance Solutions in accordance with the bid documents. There was no public comment.

b) Mr. Bovasso – Request to locate fence in an easement (1202 Revere Drive) – Mr. Bovasso is requesting to put up a removable privacy fence in an easement on the property line behind the patio located at 1202 Revere Drive. Chairman McIlhinney stated the fence would be in an easement that will run parallel with the pipe in the ground and if the Township would need to get in there to gain access, the fence would have to be removed so it must be a removable fence. He also noted the Township will not be responsible for replacing the landscaping if repairs are to be done to the pipe. Mr. Bovasso agreed to the Township's requirements in regards to the removable fence and landscaping. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously to approve the installation of a temporary removable fence located at 1202 Revere Drive, landscaping within the stormwater easement and any potential damage will be the responsibility of the property owner, and the fence is subject to removal at any time. There was no public comment.

c) Mr. Brian Schmoyer – Calvary Church 5K Event Proposal – Mr. Brian Schmoyer was present to request permission by the Board of Supervisors for Calvary Church's Women's Ministry to host a 5K race on Saturday, August 15, 2015 from 7:00am – 12:00pm. The proposed 5K would start and end at Calvary Church as part of a fundraiser for Worthwhile Wear. Mr. Schmoyer stated he has been working with Chief of Police Chris Engelhart and Officer Chris Brown to see if such a race is viable. The route would exit the property on Bethlehem Pike (a state road) for .3 miles, and follow Schoolhouse Road, Keystone Drive, Ian Court, Candace Way, Schoolhouse Road, Keystone Drive, Bethlehem Pike, and back to Calvary Church. Mr. Schmoyer stated he needs the Board of Supervisors permission before going forward with the PennDOT application. Chief Engelhart stated PennDOT needs something from the Township to give authorization to Calvary Church to host the event and to use the Township Roads. Once that is done, the application can be submitted to PennDOT to shut down part of Bethlehem Pike. Chairman McIlhinney stated the Board would encourage the 5K but the Township does not want to assume any liability for anybody who is on the streets due to accident, illness, heart attack, etc. Supervisor Bennington suggested forwarding to PennDOT that the Township is fully aware of

Calvary Church's 5K event on August 15, 2015 and does not have any objections as long as it is cleared through Police Chief Chris Engelhart.

d) Scott Drumbore – H&K – Requesting for extension of hours for June of the Concrete & 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, 2015 and June 30, 2015, excluding holidays per their letter dated May 14, 2015. Supervisor Bennington stated, per the original agreement, section 10.2 states: H&K may request temporary expanded hours of operation because of unusual bid/contract requirements, such request to be made to the Board of Supervisors which Supervisors shall not unreasonably withhold such permission. Such permission shall be unreasonably withheld if the refusal of permission is without a sound basis, based upon legally competent evidence. Supervisor Bennington stated they have been requesting not temporary every month, but every month since he took office again in January of 2014. He stated they are violating the stipulation agreement of the agreement by doing it on a monthly basis. Chairman McIlhinney stated he does not believe so. The Township requested they come in monthly and that is appropriate so everybody knows they are requesting an extension and the Board is granting it to them. The Township insisted on a monthly basis and Chairman McIlhinney wants them at the meeting every month to let the Board know what they are doing. H&K has a contract that they bid on, the Township has an agreement with them, it's with the State of Pennsylvania and it is whatever the State of Pennsylvania says in terms of the length of the contract and the amount of work to be done for the turnpike project. 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 June 1, 2015 and June 30, 2015, excluding holidays per their letter dated May 14, 2015. The Motion passed 2-1 with Supervisor Bennington being the opposing vote.

Public Comment: Henry Rosenberger, 1239 Route 313, stated, as a neighbor to H&K, they cannot have better quarry operators than they have. Noise is something but business is real and we have a \$120 million dollar project which our local people are participating in and he thinks it is very important that we honor what they need and that is nighttime performance. He hears the "beep beeps" too and he grew up in the milk business where there was no night. They worked around the clock. He would highly suggest we support our local business. Mr. Rosenberger also asked if it was possible that he could be assured that the Ag Security documents be filed by June. Chairman McIlhinney stated there is a whole process that needs to be gone through. There is time at the Planning Commission, the County Planning Commission, back to the Supervisors,

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and then back to Ag Security Board for final. There is a minimum of 45 days and it may take up to 60 days. Supervisor Bennington clarified he was not casting aspersions on the quarry, he was just making a point about expanded hours on a non-temporary basis if the request is not mandatory and we have to give it to them every month. No aspersions on H&K ... he knows they are good neighbors. Chairman McIlhinney stated he did not take it as an aspersion. It's just the length of the project highway work is years, not months.

Public Comment: Jean Bolger stated she agrees with what Mr. Rosenberger said and she tends to agree with Supervisor Bennington in the fact that if H&K signed a contract with the Township they should have been limited on extensions. They did not have to bid on the contract and Mr. McIlhinney's reasoning did not sit well with her because she does not agree with it but it is a matter of opinion. If you know there is a contract with the Township where you operate then you can't bid on that kind of contract. She stated she doesn't want to see anybody lose a job or lose work. Chairman McIlhinney stated that is not what the contract says. It says if and when they bid and secure something, the Township can't hold them from completing the project and have the competition to go after that kind of work. It's to make sure they have the right to go for that competition. Ms. Bolger stated they cannot go after that kind of work if they have a previous agreement with the Township that they are not allowed to have that kind of extension.

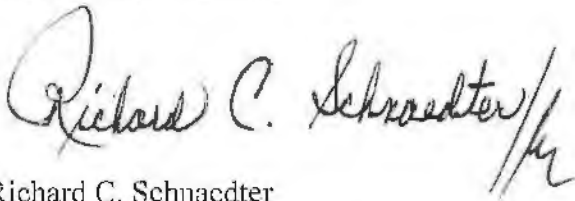
10. SUPERVISOR'S COMMENTS: Mr. Robert Wynn stated he has received an Alternatives Analysis for the Rickert Road Bridge prepared by Taylor, Wiseman & Taylor and the Township supports Alternative #5 to replace the structure with a new 2 lane bridge with shoulders that can be used as walkway, two arches, and without the hump. Motion was made by Supervisor Bennington, scconded by Supervisor Groff, and carried unanimously that the Board of Supervisors supports Alternative #5 for the Rickert Road Bridge as shown in the Alternative Analysis prepared by Taylor, Wiseman, and Taylor. Public Comment: Henry Rosenberger stated in Hatfield Township they are presently restoring an old arch bridge and it's going to take 6 months to a year to finish it. Very much like the historic bridge on 113, they are doing the work necessary to make it on the register of historic bridges as cultural heritage. He asked if the Rickert Road Bridge has a notation of registration under the Pennsylvania Cultural Historic or has that not been an option. Chairman McIlhinney stated it has been reviewed. Supervisor Bennington stated since yesterday was Memorial Day, as an army veteran himself, he would like to thank all his fellow veterans who served and also to remember those who have lost their lives in the line of duty from the time of the Revolutionary War up to the current. Chairman McIlhinney stated he attended the Memorial service at the Civic Park and it was one of the better

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ceremonies and quite a few people were there. It was heartening to see the increase in the number of attendees.

11. PUBLIC COMMENT: None.
12. PRESS CONFERENCE: No members of the press were present.
13. ADJOURNMENT: Upon motion by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously, the May 26, 2015 Hilltown Township Board of Supervisors Meeting was adjourned at 7:55 PM.

Respectfully submitted,



Richard C. Schroedter
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).