

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARY SCHEDULED MEETING
MONDAY, OCTOBER 27, 2014**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman John B. McIlhinney at 7:05 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 Stephen Harris, and Township Engineer C. Robert Wynn.

1. ANNOUNCEMENTS: None.
2. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.
3. CONSENT AGENDA:
 - a) Minutes of the September 22, 2014 Supervisor's Meeting
 - b) Financial Report September, 2014
 - c) Bills list dated September 24th, 2014 – October 8th, 2014
 - d) Bills list dated October 15th, 2014 – October 24th, 2014

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. There was no public comment.

4. CONFIRMED APPOINTMENTS:
 - a) Wally Rosenthal – Proposed Retirement Village Concept – Wally Rosenthal, Rosie Lane, Hatfield, stated he owns 40 commercial acres at the corner of Route 309 and Swartley Road and would like to add the additional 18 acres that presently adjoins the rear of his property. He would like the present zoning (RR) of this additional acreage be rezoned to PC-1 to allow a retirement village that would consist of 208 carriage homes and condo's/apartments. Mr. Rosenthal stated the property would be deed restricted to residents 55 years of age and older, and may be able to be deed restricted to residents under the age of eighteen. The Supervisors concluded that they are not crazy about the condos/apartments but would consider a mixture of commercial and residential single family housing along with the proper amount of recreational area. Mr. Wynn stated Mr. Rosenthal would have to request the zoning change followed with subdivision and land development.

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5. LEGAL: Solicitor's Report –

a) Solicitor Harris presented PennDOT HOP Ordinance #2014-003 for the stormwater capital contribution to be paid to the Township when an applicant requests the

Township to act as an applicant or co-applicant for a PennDOT HOP permit. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously, to adopt Ordinance #2014-003 for the stormwater capital contribution. There was no public comment.

6. PLANNING: C. Robert Wynn, Associates

a) Smith Minor Subdivision – Mr. Wynn stated consideration of this plan was tabled at the August and September Board of Supervisor's meetings until the resolution of a proposed conservation easement. Solicitor Harris stated he has received the signed conservation easement agreements from the Smith's and the Hockman's, and needs the authorization for execution by the Supervisors, and the approval of the Land Development plan for the Smith property. Mr. Wynn stated the plan received Planning Commission approval at their August 18, 2014 meeting subject to the items contained in the July 22, 2014 review letter. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously, to approve the Smith Minor Subdivision contingent upon the items contained in Mr. Wynn's review letter dated July 22, 2014. There was no public comment. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously, to authorize the Township officials to sign the agreement of sale for the Smith property conservation easement, finalize the purchase and go to closing. There was no public comment. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously, to authorize the Township officials to sign the agreement of sale for the Hockman property conservation easement, finalize the purchase and go to closing. There was no public comment.

b) Regency at Hilltown – Revised Final Plan - there was no one present at the meeting. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously, to table the revised final plan for Regency at Hilltown. There was no public comment.

7. ENGINEERING: C. Robert Wynn, Associates

a) Floodplain Ordinance Revision – Mr. Wynn stated all municipalities within Bucks County must have an updated FEMA approved Floodplain Ordinance in effect on March 16, 2015 and presented draft Floodplain Ordinance. Mr. Wynn gave a summary of the ordinance and stated this is an amendment to the Zoning Ordinance and the Subdivision and Land Development Ordinance so they are all consistent. Chairman McIlhinney had several questions regarding items contained in Mr. Wynn's letter dated October 15, 2014 which consisted of: Item #4 – review by the Bucks County Conservation District for any projects located in an identified floodplain where there is earth disturbance equal to or exceeding 1,000 square feet. Mr. Wynn stated it is consistent with the current ordinance but it is not in the floodplain ordinance and gardening is exempt. Item #11 – allows accessory structures with a maximum floor area of 200 sf to be placed within an identified floodplain under certain conditions as recommended by DCED but can be increased to 600 sf if the Township desires. Mr. Wynn stated the 200 sf is what is recommended but FEMA allows the structure to go up to 600 sf. Chairman McIlhinney also had a question regarding the compliant Floodplain Ordinance must be in effect on March 16, 2015 or flood insurance throughout Hilltown Township will be terminated until the adoption of a compliant Floodplain Ordinance. Mr. Wynn stated this is true. Chairman McIlhinney questioned Chapter 160, Section 160-28 B – Floodplain Soils – shall not be used for site capacity calculations. Mr. Wynn stated a floodplain study can be done to verify that the property is not in the floodplain. Chairman McIlhinney confirmed the Floodplain Administrator would be Mr. Wynn. Discussion ensued regarding swales on residential properties and swales along roadways. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously, to authorize the Floodplain Ordinance, the Zoning Ordinance Amendment, and the Subdivision and Land Development Amendment, to proceed to the Township Planning Commission and Bucks County Planning Commission for review. There was no public comment.

At this time, Solicitor Harris requested an amendment of a previous motion in regards to the Smith and Hockman conservation easements to state: Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously, to amend the prior two motions for the Smith and Hockman conservation easements to state to authorize the appropriate officials of the Township to proceed to settlement to purchase the conservation easements. There was no public comment.

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b) Hilltown Ridge Subdivision – Status of Punch list – Mr. Wynn reported some signs are incorrect, or none at all, there is no landscaping, and no work is being done on the basins, fencing, or swales. He will have an update the Friday before the next Board meeting.

c) Mill Road Bridge – Mr. Wynn stated the construction is complete. The guiderail issue has been resolved and he is waiting for final closeout documents from PennDOT.

8. UNFINISHED BUSINESS: Supervisor Bennington asked for information regarding the Deep Run conservation easement. Solicitor Harris stated the conservation easement and agreement of sale will go out this week.

9. NEW BUSINESS:

a) Bid Awards for 2014-004 Diesel Fuel & 2014-005 Heating Oil – Mr. Schnaedter presented the Diesel Fuel and Heating Oil bids that were opened on October 22, 2014. The low bid for diesel fuel was from Suburban Heating & Oil Partners at \$3.25 per gallon delivered. The low bid for heating oil was from Moyer Indoor Outdoor at \$2.999 per gallon fixed. Mr. Schnaedter clarified that the Moyer Indoor Outdoor price of \$2.999 per gallon fixed was also for delivery. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously to grant Bid #2014-004 for diesel fuel to Suburban Heating & Oil Partners at \$3.25 per gallon delivered. There was no public comment. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously to grant Bid #2014-005 for heating oil to Moyer Indoor Outdoor at \$2.999 per gallon delivered. There was no public comment.

b) Revised contracts - Police Pension Fund – Addition of DROP Program – Township Manager Richard Schnaedter highlighted the ordinance that amends the police pension plan as administered by the Pennsylvania Municipal Retirement System pursuant to Article IV of the Pennsylvania Municipal Retirement Law. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously, to authorize advertisement of the police pension plan Ordinance for adoption at the next Board meeting. There was no public comment.

c) Proposal for Comprehensive Plan – Township Manager Richard Schnaedter presented the proposal by the Bucks County Planning Commission to assist the Township in revising the comprehensive plan from 2003, not to exceed \$26,500. Supervisor Groff stated he reviewed the current comprehensive plan and the statement of community goals and objectives will need to be updated. Chairman McIlhinney stated the Board will discuss the proposal and will report back.

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d) Scott Drumbore. H&K – Requesting for extension of hours of Concrete & Asphalt Plant at the Skunkhollow Quarry – Scott Drumbore stated a request was submitted on October 14, 2014 for the extension of hours for H&K Materials for the month of November. It is the standard hours but also included the crushing plant. Chairman McIlhinney questioned if the crushing plant is noisy and Mr. Drumbore stated it does have a level of noise to it. They received an order for the second phase of the turnpike project. Supervisor Groff questioned if the request to use the crushing plant at night was submitted previously. Mr. Drumbore stated he would have to look back into their records, but maybe last year it was requested for a month or two. Mr. Drumbore stated it would not be the primary jaw but the secondary for refining the stones. Chairman McIlhinney stated he was informed during the past month that the people who are using the Blooming Glen Quarry at night are Blooming Glen Contractors and they are running their contracting business after hours all night long fixing their trucks and asked Mr. Drumbore if that is correct. Mr. Drumbore stated that is correct. Chairman McIlhinney stated the area is zoned for Quarry use. Mr. Drumbore stated they have been doing that since the mid 1970's, have always been there, stated that the contractor shop is not part of the agreement, and is pre-existing non-conforming use. Chairman McIlhinney asked if they are violating the noise ordinance and Mr. Drumbore stated they are not. Chairman McIlhinney stated he was never aware that they were running a contractor business out of the Quarry zoning area and never received any volunteer information that the noise was not coming from the quarry people but is from the contracting company and they do their maintenance at night. Mr. Drumbore asked if Chairman McIlhinney is suggesting that he deceived the Township. Chairman McIlhinney stated no progress has been made with any of the items that have been discussed during the past six months. Mr. Drumbore discussed his August 22, 2014 letter (which the Township didn't receive) which included moving the backup alarms to a location on the back of the trucks so they can get to them and muffle them. After testing the brigade alarms, it was determined that was not the alarm for their equipment. The owners stated the only thing to guarantee results is to muffle and put a spotter. Supervisor Groff asked what the progress was on muffling and using a spotter. Mr. Drumbore stated out of the 44 trucks stationed at that location, 36 trucks have had the alarms moved, are implementing the procedure, and cannot say if they are following that procedure religiously or not. Mr. Drumbore stated he has not been in communication with Mr. Barnes recently. He received an email that stated Mr. Barnes was going to sue. Mr. Drumbore stated they are on top of it and are doing what they can and questioned if anybody has taken the steps to determine if they are violating any section of the ordinance or the agreement. Supervisor Bennington asked even though it was a pre-existing non-conformance on the Blooming Glen Contractors, the Zoning Ordinance still states hours of operation of mechanical equipment, etc.,

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and don't they still have to conform to the specific times? Solicitor Harris stated that he does not think that they do. Mr. Drumbore stated after numerous times using the noise meter, the back-up alarms do not trigger the noise meter. They are still looking at things to try to mitigate the noise and it is a challenge. Supervisor Bennington stated he wishes someone would do a sleep over at Mr. Barnes house with the windows open and see if they can sleep between 12:00 midnight and 6:00 am and it is probably pretty loud. Mr. Drumbore stated he does not challenge that it is not heard.

Shawn Barnes addressed some statements from Mr. Drumbore such as: the backup alarms may not trigger Mr. Drumbore's noise meter but they triggered his noise meter quite often and quite easily at his west side property line and his east side property line. The ordinance states the berms should be 15 feet high and they are only 3 feet to 6 1/2 feet high, and there should be double rows of pine trees planted 15 feet apart. On the whole line from one edge of his property line to the other, there are 20 years' worth of cut down trees and estimates about 25 – 30 trees that have not been replanted. He does not believe that H&K brought in an outside firm to see what type of noise is triggered on a meter. There is a secondary clause in the OSHA rules as far as backing up trucks to have a flag person and turning the alarm off. It is H&K's desire not to put a keyed switch in the cab. There is no back up alarms or flag person in trucks that go to WAWA at lunchtime. Mr. Barnes stated he had a Rahn's concrete truck come to his house and he couldn't believe how quiet the smart alarm was, and Rahn's is part of the H&K group. Mr. Barnes read his recent recordings of the noise from the Quarry. Supervisor Groff asked if all of the backup alarms recorded were over the decibels allowed and Mr. Barnes responded not all but quite a few of them were over the decibels. Mr. Barnes stated, per Mr. Drumbore's letter dated August 22, 2014, it is a business that seems to be running that shouldn't be. He also stated the letter that he gave to Mr. Drumbore had no threat of lawsuit. Mr. Drumbore stated the next step should be is to have the Township come out along with Dave Taylor and the Police Department, and look at the meter together. Mr. Barnes questioned if there is a bigger issue knowing that there is an operation running that shouldn't be running. Chairman McIlhinney stated that issue will have to be taken up with the Zoning Officer and the Township Solicitor. Solicitor Harris stated something may be able to be done physically to try to mitigate the situation that would reach an overall solution. It may not be 100% of a solution that both parties want. Supervisor Bennington stated he is not trying to be malicious by not voting for their extended hours, he's only trying to prod them to move forward with something to rectify the situation. Chairman McIlhinney stated Mr. Schnaedter, within the next two weeks, shall arrange Dave Taylor, Chris Engelhart, Mr. Drumbore, and himself to go out to the site with a calibrated meter. Solicitor

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Harris stated he asks Mr. Drumbore, on this random night, there be no communication with anybody from Blooming Glen Contractors.

H&K has requested to operate 6:30 pm to 6:30 am, Monday through Saturday for the month of November, excluding holidays per the request letter dated October 14, 2014. Motion was made by Supervisor Groff, and seconded by Chairman McIlhinney, to grant the extension of operating hours for November, excluding holidays, according to the request letter dated October 14, 2014. Motion passed 2-1 with Supervisor Bennington being the opposing vote. There was no public comment.

Township Manager Richard Schnaedter presented the proposal for the interior painting of the administration building and the police department. After receiving three bids, Alpine Interior was the low responsible bid in the amount of \$16,480.00. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously, to award the bid for the interior painting of the administration building and the police department to Alpine Interior in the amount of \$16,480.00. There was no public comment.

10. SUPERVISOR'S COMMENTS: Supervisor Bennington stated he was not able to attend Hilltown Community Day but would like to thank Chairman Steve Kendra, Treasurer Dan Paci, Publicity Staff, Jim McGowan, Jean Bolger, Alice Kachline, Brenda Oelschlager, Barbara Matkowski, Scout Troup 67 Tom Davidson, Fireworks John Malack, Knights of Columbus, Sacred Heart Catholic Church Bill Brady, Blooming Glen Mennonite Church Philip Roth, the Township staff, Rick Schnaedter, Chris Engelhart, Hilltown Fire Chief Jim Walters, Food Vendors Mary Beatrice, Food Vendors Kids' Crafts Hendrika Paci, Entertainment Hilltown Baptist Church Tim Buczek, and Good Shepherd Episcopal Church Peggy Lewis.

11. PUBLIC COMMENT:
Hans Sumpf, Deep Run Valley Sports, invited the Board of Supervisors to the Hall of Fame dinner on November 12, 2014 at 7:00 PM at the Sellersville Fire House. Mr. Sumpf also noted there was a truck repair garage in Florida and they actually knocked down a wall so the trucks could drive straight through which helped with the noise. Mr. Sumpf also questioned the conservation easements for Deep Run.

Taylor Thompson, Telegraph Road, questioned the tableting of the PRO's Committee appointments. Chairman McIlhinney stated the Board has not taken any action and have not decided if they will continue with a PRO's committee. The committee was cancelled

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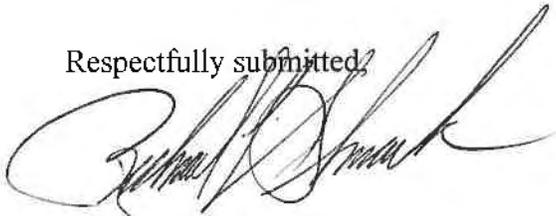
approximately two years ago because the members took more interest in the idea of real estate and open space purchases rather than being involved in the recreation part of the committee. Supervisor Bennington stated when he took office, no applications were received for the Park and Rec Board. Chairman McIlhinney stated they are not sure the Open Space Committee is going anywhere but the Park and Rec Committee will be reconstituted and put back in place.

Fred Neiman – Mr. Neiman thanked Chief Engelhart, Mr. Schnaedter, and Chairman McIlhinney for the help with the problem in his development and questioned if there was a schedule for leaf pickup. Mr. Schnaedter stated leaf collection starts Wednesday, November 5th and it will be placed on the website. Mr. Schnaedter stated it is weather related when leaves can be picked up and will be picked up as often as they can. The areas that have the most leaves will be picked up at least twice, possibly three times in a season. Chairman McIlhinney stated it is hard to set a schedule because they don't know when the leaves are going to fall. It would be helpful if residents leave a message at the Township.

12. PRESS CONFERENCE: No members of the press were present.

13. ADJOURNMENT: Chairman McIlhinney announced the Board of Supervisors met in Executive Session prior to the meeting to discuss general matters. Upon motion by Supervisor Groff, seconded by Supervisor Bennington, and carried unanimously, the October 27, 2014 Hilltown Township Board of Supervisors Meeting was adjourned at 9:07PM.

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).