

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
MONDAY, NOVEMBER 23, 2020**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman John McIlhinney at 7:00 PM and opened with the Pledge of Allegiance. Also, in attendance were Supervisor Caleb Torrice, Township Manager Lorraine Leslie, Chief of Police Christopher Engelhart, Township Engineer Timothy Fulmer, and Finance Director Marianne Egan. Vice-Chairman Jim Groff was absent.

1. ANNOUNCEMENTS: Chairman McIlhinney stated there was an executive session on November 18, 2020 to discuss personnel and real estate matters.
2. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.
3. CONSENT AGENDA:
 - a) Minutes of the October 20, 2020, Board of Supervisors Budget Work Session Mtg.
 - b) Minutes of the October 26, 2020, Board of Supervisors Regular Meeting
 - c) Bills List – November 10, 2020
 - d) Bills List – November 24, 2020
 - e) Financial Report – October 31, 2020
 - f) 2021 Fire Protection Agreement – Dublin Volunteer Fire Co. Station 23
 - g) 2021 Fire Protection Agreement – Silverdale Fire Co. Station 59

Motion was made by Supervisor Torrice, seconded by Chairman McIlhinney, and carried unanimously to accept and approve items 3(a) thru 3(g) on the Consent Agenda including the two typographical errors located on page 5 of the October 20, 2020 minutes as noted by Chairman McIlhinney, and the one typographical error located on page 3 of both Fire Protection Agreements as noted by Supervisor Torrice. There was no public comment.

4. CONFIRMED APPOINTMENT: None.
5. LEGAL:
 - a) Zoning Hearing Board Appeal No. 2020-011 – BSA, LLC – Solicitor Harris stated BSA, LLC is requesting a variance from minimum lot size requirements for the property located at 717 Route 152 to create two non-conforming lots with less than the required lot size. The Board of Supervisors stated they do not wish Solicitor Harris to attend ZHB No. 2020-011.
 - b) Zoning Hearing Board Appeal No. 2020-012 – Gordon Builders – Solicitor Harris stated Gordon Builders, LLC is requesting a variance from the side yard setback for the property located at 721 Blooming Glen Road to permit the continued existence of the detached garage. The Board of Supervisors stated they do not wish Solicitor Harris to attend ZHB No. 2020-012.
 - c) Zoning Hearing Board Appeal No. 2020-013 – Carole Anthony – Solicitor Harris

stated Carole Anthony is requesting a variance from the rear yard setback to facilitate the construction of a roofed porch/deck in her rear yard located at 319 Victoria Lane. Discussion took place on the material that was going to be used on the floor and if there were slats proposed. The Board of Supervisors stated they do not wish Solicitor Harris to attend ZHB No. 2020-013 but to draft a letter to Kelly Eberle stating stormwater management controls, where appropriate, will be a condition of the Zoning Hearing Board approval.

d) Zoning Hearing Board Appeal No. 2020-014 – Jonathan Stemler – Solicitor Harris stated Jonathan Stemler is requesting a variance to allow the operation of a machine shop in an existing building, an accessory business office in a different building, and reduce the buffer located at 205 Green Street in part of the Hilltown Walk Subdivision which borders Silverdale Borough. Solicitor Harris stated this hearing is scheduled for January 7, 2021, and is the identical request made approximately 2 ½ years ago which was originally granted zoning relief in 2013. Mr. Stemler was unable to move forward with the project in 2013 and the awarded relief expired. Chairman McIlhinney stated, since this is the third time this variance request has been before the Board of Supervisors over the last eight years, and the residential neighborhood has grown up around this location, he would like Solicitor Harris to attend the hearing to adhere to what has been done in the past and to oppose the application. Supervisor Torrice stated the zoning hearing application was approved in 2013 and the only thing that has changed is the residential neighborhood. Chairman McIlhinney stated it was approved as long as he operated it within one year and he chose not to do that. Three years later, he asked again if he could develop the location. By then, the development was built and it was denied. Supervisor Torrice stated he was approved before and there is a huge buffer between the residential neighborhood and where the project is proposed. Supervisor Torrice continued to state he has spoken to the resident closest to the location and he has no objection as long as it is quiet, neat, and orderly. After continued discussion, Appeal No. 2020-014 was tabled until the next Board of Supervisors meeting where there will be a third vote.

6. PLANNING:

a) County Line Plaza Land Development – Final Approval – Township Engineer, Timothy Fulmer, stated the County Line Plaza final land development plan is for a 5,750 SF building including a medical office use and a potential eating place. The Planning Commission recommended final plan approval subject to the conditions outlined in Wynn Associates Inc. review letter dated October 20, 2020. Mr. Matthew Chartrand, Bohler Engineering, stated all of the engineering issues have been addressed with the exception of the sidewalk along the frontage. The applicant is very close to obtaining PennDOT approval. Mr. Chartrand reviewed Wynn Associates Inc., review letter dated October 20, 2020 stating: a cost estimate for the waived parking lot landscaping has been provided, the fire company approval has been received, and the sidewalk approval from PennDOT is pending. Mr. Chartrand asked for the Board of Supervisor's consideration in allowing the applicant to proceed with construction while keeping the sidewalk

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as an open item for completion prior to the certificate of occupancy as opposed to the start of construction. The applicant would like to get moving on the project. It was noted by Mr. Fulmer that the November 17, 2020 letter was an internal summary letter on the project. After discussion in regard to the sidewalk, it was noted there may have to be a revised final plan approval or a clause could be put into the Development Agreement that would outline the requirement to have a PennDOT permit in hand before the work is done and also before an occupancy permit is issued. Mr. Fulmer stated another option would be is to allow the applicant to start the site work before recording the plan as long as there is an agreement to pay for the cost of inspections of the site work, and, at a later date, when there is the PennDOT permit in hand, the Township could then record the plan and issue a building permit. Mr. Chartrand stated there is not a significant amount of site work to be done since they are utilizing a significant portion of the already paved lot. Their preference would be to be able to start to work on the building itself and pull a building permit with the understanding that they cannot obtain a certificate of occupancy, cannot occupy the building nor open the building in any way shape or form until the work is done, and the PennDOT permit is received and work is done associated with the permit. Mr. Fulmer stated the estimate of cost for the waiver of trees is \$3,900.00 which he believes is reasonable and requests it be accepted by the Township. The Board of Supervisors agreed.

Motion was made by Supervisor Torrice, seconded by Chairman McIlhinney, and carried unanimously to grant final plan approval for the County Line Plaza Land Development contingent upon the items contained in Wynn Associates, Inc. letter dated October 20, 2020. There was no public comment.

7. ENGINEERING:

a) Highfield Estates Subdivision – Acceptance of Completion – Mr. Fulmer stated Highfield Estates Subdivision is a 13-lot subdivision on Upper Stump Road that was built by Hallmark Homes. All of the site improvements were inspected by his office and are in satisfactory condition and recommends the Board of Supervisors accept completion of the project and commence the 18-month maintenance period and the dedication of the internal roadway to the Township as a public road. Mr. Fulmer continued to state that the Township will maintain financial security in the amount of \$156,408.75 to guarantee the 18-month maintenance period improvements including, but not limited to, stormwater management facilities, storm sewer, roadway, landscaping, signage, monumentation, and street lighting. Mr. Fulmer stated the applicant has provided \$1,129.56 to offset the loss of liquid fuels funding from PennDOT for winter maintenance. Mr. Fulmer continued to state written confirmation must be received from Bucks County Conservation District that the NPDES permit has been terminated, all legal documents for dedication of the internal road to the Township must be executed by the developer in a manner satisfactory to the Township Solicitor, and payment of all engineering, legal, and Township administrative costs will be received by the developer as detailed in Wynn Associates, Inc. letter dated November 17, 2020.

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Motion was made by Supervisor Torrice, seconded by Chairman McIlhinney and carried unanimously to accept the completion of the Highfield Estates Subdivision and authorize the commencement of the 18-month maintenance period subject to the items contained in Wynn Associates, Inc. letter dated November 17, 2020. There was no public comment.

b) Ordinance No. 2020-001 – (Act 537 Plan) Regulating the Management & Maintenance of Individual & Community Sanitary Sewage Facilities within the Township – Mr. Fulmer stated Ordinance No. 2020-001, an ordinance that regulates the management and maintenance of individual and community on-lot sanitary sewage disposal systems as required by DEP, has been advertised and requests approval and adoption by the Board of Supervisors. Motion was made by Supervisor Torrice, seconded by Chairman McIlhinney and carried unanimously, to approve and adopt Ordinance No. 2020-001 Regulating the Management & Maintenance of Individual & Community Sanitary Sewage Facilities within the Township. There was no public comment.

8. UNFINISHED BUSINESS:

a) Adoption of 2021 Budget – Township Manager, Lorraine Leslie, stated the 2021 Budget has been advertised for adoption. Ms. Leslie continued to state there has been very little change since the budget workshop with the exception of adding the Police Department's capital budget in the amount of \$176,500. Ms. Leslie gave an overview stating 10% was budgeted for the increase in medical, prescription, and dental. Some expenses have been reduced such as fuel. Real Estate taxes have been budgeted with a slight increase because of the development of Regency. Earned Income Tax is budgeted slightly down due to the down turn in revenue from COVID-19. Vehicle code violations and ordinance violations are budgeted down because, at 75% of the year, these categories are only at 50% of what was budgeted. Building permits are budgeted down because the development of Regency will be finished in 2021 and there is not a great deal of projects on the books. The Fire Fund is the same as it has always been $\frac{3}{4}$ of a mill, with all of that money, with the exception of \$4,000.00, is split between the seven fire companies. A replacement mower is budgeted in the Park & Rec Fund. In Recreation Capital Reserve, a replacement playground at the Civic Park is budgeted in the amount of \$170,000.00 and it will be handicapped accessible. Also, the rest of that budget will be directed to the pedestrian path that will hopefully start in the spring. A new pickup truck (\$55,000.00) and a dump truck (\$193,000.00) will be purchased from the Road Equipment Fund. Supervisor Torrice stated Ms. Leslie did a good job. Chairman McIlhinney stated there is no tax increase for the 10th year in a row. Motion was made by Supervisor Torrice, seconded by Chairman McIlhinney and carried unanimously to adopt the 2021 Budget as advertised. There was no public comment.

b) It was noted to discuss the condemnation of two parcels at the next meeting.

c) Motion was made by Supervisor Torrice, and seconded by Chairman McIlhinney, as a

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result from the discussion at the Executive Session on November 18, 2020, to authorize proceeding with the appraisal of the property that was discussed. The motion carried unanimously. There was no public comment.

9. NEW BUSINESS:

a) Request for No Parking Designation on Petrick Lane – Levent Dumenci – Levent Dumenci was in attendance to request a no parking designation between the driveways of 1109 Petrick Lane and 1113 Petrick Lane. Mr. Dumenci stated the area is where the road curves and is not large enough to allow two cars to pass easily when cars are parked on the side, it is hard to mow his grass when the cars are parked on the road, the Police Department has identified the cars, and they have been often left unmoved for several days. After a lengthy discussion, Chief Engelhart stated he will evaluate the situation, take pictures, and report back to the Board of Supervisors.

b) Scott Drumbore – H&K – Requesting for extension of hours for December for the Concrete and Asphalt Plant at the Skunkhollow Quarry: Ms. Leslie 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 December 1, 2020 and December 31, 2020, excluding holidays, for the PennDOT projects per their letter dated November 18, 2020. Ms. Leslie stated H&K provided the daily reports off of the equipment that runs in excess hours. Motion was made by Supervisor Torrice, seconded by Chairman McIlhinney and carried unanimously to grant the extension of hours between December 1, 2020 and December 31, 2020 for the Concrete and Asphalt Plant at the Skunkhollow Quarry per their letter dated November 18, 2020 with the exception of striking the part in the letter in regard to "and/or private customers." There was no public comment

10. SUPERVISOR'S COMMENTS: Supervisor Torrice stated Ms. Leslie did an excellent job with the budget. Chairman McIlhinney stated he is very proud there has not been a tax increase in 10 years.

11. PUBLIC COMMENT: Wally Rosenthal, 530 Rosey Lane, stated, with Regency winding down, perhaps it is time to talk about another one to help fulfill the void. In speaking about his proposed project, he stated the income for the Township is evident, it is the perfect place for it, traffic shouldn't be an issue, and all of the necessary amenities are available; water, sewer, and gas. Supervisor Torrice stated he understands the desire for the project there and understands there were a lot more than 30 or 40 signs, and more than 30 or 40 emails. There were a lot of comments and a lot of suggestions that it be located elsewhere. Supervisor Torrice stated he is there to represent the community. He continued to state there is no doubt that this project would bring money into the Township; no one can argue that. For him, it is more than a money issue. There were density issues and no talk about the bridge and how that was going to be taken care of. During

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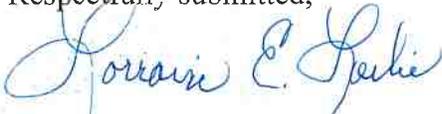
the hours and hours of meetings, there were no answers. If another plan is submitted, they will have an open mind. Chairman McIlhinney stated it would be a benefit for the Township tax wise because generally, any expansion of development in a Township, more than pays for itself. He continued to state the real crux will come when the property is developed into single family homes, maybe 200 homes, and 400 kids are put into the school district at approximately \$15,000 each, and then the taxes get distributed around all of the people who didn't want the tax benefits of the 55 and older community. Then he will see if they feel the same way when they have to pay another 20% to 30% on their school taxes. Supervisor Torrice stated there is always two sides to every corner.

Charles Brauer, 304 Swartley Road, stated he is in agreement with 36 homes for the Swartley Road property.

12. PRESS CONFERENCE: None.

13. ADJOURNMENT: Upon motion by Supervisor Torrice, seconded by Chairman McIlhinney and carried unanimously, the November 23, 2020 Hilltown Township Board of Supervisors meeting was adjourned at 7:54 PM.

Respectfully submitted,



Lorraine E. Leslie
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).