

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
MONDAY, MARCH 22, 2021**

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 Vice-Chairman James Groff, Supervisor Caleb Torrice, Township Manager Lorraine Leslie, Township Engineer Tim Fulmer, Township Solicitor Stephen Harris, Chief of Police Christopher Engelhart, and Finance Director Marianne Egan.

1. ANNOUNCEMENTS: Chairman McIlhinney stated there were executive sessions to discuss land acquisition on March 3, 2021, March 5, 2021, and March 22, 2021.
2. PUBLIC COMMENT ON AGENDA ITEMS ONLY:

Eric Nogami, Hilltown Township Planning Commission, stated concerns over the Linke application to be included in the Agricultural Security Area. He stated there is the awareness of community discontent with the activities on the Linke properties. He is concerned that it is an attempt, using the Agricultural Security Act, to take away the rights of the neighbors and miss use that designation. There are a number of businesses operating out of that property including a paving and excavating company. Many of the neighbors have complained about the lack of buffers, truck equipment, grinders, lack of E&S, and hours of operation. There is a lot of dirt on the road coming off of the piles and he does not believe they are washing off the trucks. He continued to state that it has been a business for a while, but, in the past year or two, the activities have expanded exponentially. The neighbors have approached Mr. Linke and any attempts to control it were rebuffed. He continued to state he believes the properties are zoned Rural Residential and Village Center. Village Center does not permit light or heavy industrial use. One of the properties is split zoned as Rural Residential which does permit Agricultural, but it does not appear there is any agricultural activity occurring on the site. The ASA was intended for farmers to protect them from nuisance complaints regarding livestock, crop processing, etc. He continued stating it is great legislation but does not seem appropriate for this property.

Solicitor Stephen Harris explained the procedure. The Linke's filed an application. The Township's responsibility is to advertise the fact that they applied. The resolution is merely following up on what the obligation of the municipality is to do under the act. The Township will be authorizing an advertisement. The advertisement notifies the public that they have 15 days in which to submit comments either for or against the application. At the conclusion of the 15-day period, the matter is then referred to the Hilltown Township Planning Commission and the Bucks County Planning Commission to hold a hearing to take testimony either for or against and then to make a recommendation to the Board of Supervisors. Upon receipt of the recommendations to the Board of Supervisors from the Hilltown Township Planning Commission and the Bucks County Planning Commission, the Board of Supervisors are then required to hold a public hearing and consider the application. He continued to state tonight is nothing more than a formal approval, required by law, to advertise the application. The time to address the merits will be both before the Hilltown Township Planning Commission when they hold a hearing on this, and the Bucks County Planning Commission. Then both of those Commissions are required to make a recommendation and bring it to the Board of Supervisors. Anyone who wants to testify for or

Page 2
Board of Supervisors
March 22, 2021

against will have the opportunity to do that. Tonight is simply a mechanical obligation under the law to advertise to start the 15-day comment period and to authorize reference to the Planning Commissions at the end of the 15 days.

Susan Bonino, 2102 Hilltown Pike, stated Mr. Linke should have applied for this application two years ago. She continued to state what is going on with that property is not right. She wishes the Board of Supervisors would go there and look at it and have to live with it. It is so loud. It was not like that 20 years ago, and she hopes they pay attention to what is going on especially since she lost business because of it. She continued to state her customers do not want to drive on the muddy road. She owns a business and tries to keep in the ordinance but, not him, and he is allowed to get away with it.

Kevin Craun, who lives close by, stated any construction site needs to have a tire cleaner for the trucks to come in and out. The quarries have to have a tire cleaner for the trucks to come in and out. For two years now, they do not wash the wheels, and they do not sweep the road. If Blooming Glen Quarry gets dirt on the road, they have to have a sweeper out there within 15 minutes or they get sited. They are doing the same thing as a quarry . . . they are collecting fill, they have piles three stories high, they are not following safety rules, there are no berms, trucks can topple, and there are safety problems there. All of the fill that they are bringing in contains chemicals. He is going to ruin the water.

Chairman McIlhinney ended the public comment and stated if he wished to testify, then come to the hearing when it is time to testify. He continued to state making accusations is not the place to do so tonight.

Mr. Craun stated it is a fact not an accusation. The fill is not tested and can leach into their water.

3. CONSENT AGENDA:

- a) Minutes of the February 8, 2021 Board of Supervisors Meeting
- b) Bills List – February 23, 2021
- c) Bills List – March 9, 2021
- d) Bills List – March 23, 2021
- e) Financial Report – February 28, 2021

Motion was made by Vice-Chairman Groff, seconded by Supervisor Torrice, and carried unanimously to accept and approve items 3(a) thru 3(e) on the Consent Agenda as written. There was no public comment.

4. CONFIRMED APPOINTMENT: None.

Page 3
Board of Supervisors
March 22, 2021

5. LEGAL:

a) Adoption of a Resolution to authorize the advertising of the Linke Application to join the Hilltown Township Agricultural Security Area and to send the application to the Township and Bucks County Planning Commission: Solicitor Harris requested a motion to authorize the advertisement of the Linke application to join the Hilltown Township Agricultural Security Area, and, after the 15-day public comment period required by the statute, send the application to the Township and County Planning Commissions for review.

Motion was made by Supervisor Torrice, seconded by Vice-Chairman Groff, and carried unanimously to adopt Resolution No. 2021-013 authorizing the advertisement of the Linke Application to join the Hilltown Township Agricultural Security Area and, after the 15-day public comment period, to send the application to the Township and Bucks County Planning Commissions for review. There was no public comment.

b) Zoning Hearing Board Appeal 2021-002 – Dogtown, LLC – Variance Request: Solicitor Harris stated Dog Town, LLC is asking for a variance to operate an overnight dog kennel located at Hilltown Crossings Shopping Center. The Board of Supervisors stated they do not wish Solicitor Harris to attend the hearing.

c) Zoning Hearing Board Appeal 2021-004 – Francis & Tiffany Leahy – Variance & Special Exception Request: Solicitor Harris stated Francis and Tiffany Leahy requests a variance from the requirements to provide a Type 1 buffer as well as a special exception for an existing non-conforming lot for a proposed mini storage building located at 221 Keystone Drive. Mr. Jason Smeland, Lenape Valley Engineering, was in attendance along with Frank Leahy, and stated they originally proposed a rather large, three story, 36,000 square feet self- storage building facility. Needless to say, they were given clear direction that was not what the Supervisors wanted to see there. Even though they were conforming with the height requirement, this type of self-storage is not permitted without zoning relief due to the building size. The plan was revised, that is roughly the same configuration, except the buildings have been split into two and they are just one story standard self-storage facilities. Chairman McIlhinney stated the chart on the side indicates they are putting up 35 feet high buildings. Mr. Smeland stated it should say “less than” 35 feet. The allowable building height is 35 feet, but the buildings will be about 15 feet and will be one story like a one car garage. Mr. Smeland stated the lot is undersized and can meet the criteria for special exception. They also are requesting a variance related to buffer yards. They will provide a buffer along the property line and the self-storage facility will be gated. The Board of Supervisors stated they do not wish Solicitor Harris to attend the hearing as long as they are willing to stipulate that it is a one-story building, and they are not planning to come back and make it a three-story building.

d) Zoning Hearing Board Appeal 2021-005 – Richard Neff – Variance Request: Solicitor Harris stated Richard Neff is requesting a variance to build a garage in their rear yard which faces Diamond Street. Chairman McIlhinney stated Mr. Neff is placing the 900 square foot building, which is 16 feet tall, within 25 feet from the next-door neighbor’s yard. Chairman

Page 4
Board of Supervisors
March 22, 2021

McIlhinney stated he would prefer if they can get drawings that show the actual location. Solicitor Harris suggested he would contact Mr. Neff and request a bigger plan showing what is in the area and ask why the garage cannot be moved in compliance with the variance. He will then get back to the Board of Supervisors and they can advise him as to whether or not they wish him to attend the hearing.

6. PLANNING:

a) Fox Minor Subdivision: Township Engineer, Tim Fulmer, stated Mr. & Mrs. Fox are the owners, as well as Mr. Fox being the design professional, of the 11.06 acres located along the southeast side of Schultz Road, within the RR Zoning District, and proposes to subdivide it into two single family detached dwellings. Lot 1 (1.57 acres) contains an existing single family detached dwelling, detached garage, and driveway access along Schultz Road. Lot 2 (9.26 acres) is proposed for construction of a single family detached dwelling with driveway access along Schultz Road. The project was before the February 15, 2021 Planning Commission at which time they recommended Preliminary/Final plan approval contingent upon the engineering review dated March 2, 2021 and the follow up memo dated March 16, 2021. The Planning Commission recommended the approval of several waivers which included the lot line orientation requirement, and waivers of street improvements including curb, sidewalk, and widening. The applicant is offering \$5,000.00 in lieu of street improvements. Mr. Fulmer stated he did not do an estimate but the \$5,000.00 would be in line with some other minor subdivisions that were recently looked at by the Board of Supervisors. The applicants also acknowledge they will be submitting the \$2,685.00 capital contribution in lieu of recreation land dedication. The Planning Commission also recommended the deferment of the requirements for submission of plans/calculations for grading, stormwater management, driveway design, and erosion and sediment control until the time of building permit application through a Unilateral Declaration of Covenants, Conditions, and Resolution to memorialize the requirement as well as a note on the plan. It was stated by the Board of Supervisors that the plan is a nice, clean plan.

Motion was made by Supervisor Torrice, seconded by Vice-Chairman Groff, and carried unanimously to grant preliminary/final plan approval for the Fox Minor Subdivision contingent on the items contained in Wynn Associates, Inc. review letter dated March 2, 2021, the memo dated March 16, 2021, the capital contribution in the amount of \$5,000.00 fee-in-lieu for the cost of required street improvements, and submission of \$2,685.00 fee in lieu of recreation land dedication. There was no public comment.

7. ENGINEERING:

a) Road Projects Authorization to Bid: Mr. Tim Fulmer stated the Public Works Department seeks authorization to solicit public bids for completion of ultra-thin friction course, milling/paving, and bituminous seal coat (w/slurry seal top) on various Township roads.

Page 5
Board of Supervisors
March 22, 2021

Motion was made by Vice-Chairman Groff, seconded by Supervisor Torrice, and carried unanimously to authorize Mr. Fulmer to solicit public bids for completion of ultra-thin friction course, milling/paving, and bituminous seal coat (w/slurry seal top) on various Township roads for a total of approximately 43,000 square yards. There was no public comment.

8. UNFINISHED BUSINESS: None.

9. NEW BUSINESS:

a) Authorization to Purchase a Compact Track Loader for the Public Works Department: Township Manager, Lorraine Leslie, stated the Public Works Department currently has a skid loader with wheels and would like to trade it in for one with tracks which will make working on the pedestrian path a lot easier. The purchase price is \$74,416.12 and they expect to trade the one that they have through Municibid for approximately \$30,000.00. They just brought in money for a sale of a truck, so they just about covered the cost.

Motion was made by Supervisor Torrice, seconded by Vice-Chairman Groff, and carried unanimously to authorize the purchase of a compact track loader for the Public Works Department in the amount of \$74,416.12. There was no public comment.

b) Authorization for a Traffic Study on Fairhill Road between Green Street and Route 152: Ms. Leslie stated she would like authorization for a traffic study on Fairhill Road between Green Street and Route 152 for a planned crosswalk in regard to the pedestrian path.

Motion was made by Supervisor Torrice, seconded by Vice-Chairman Groff, and carried unanimously to authorize the Hilltown Township Police Department to conduct a traffic study on Fairhill Road between Green Street and Route 152. There was no public comment.

c) Scott Drumbore – H&K – Requesting for extension of hours for April 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 April 1, 2021 and April 30, 2021, excluding holidays, for the PennDOT projects per their letter dated March 2, 2021. Ms. Leslie continued to state they have not asked for extended hours in January, February, or March. Motion was made by Vice-Chairman Groff, seconded by Supervisor Torrice, and carried unanimously to grant the extension of hours between April 1, 2021 and April 30, 2021 for the Concrete and Asphalt Plant at the Skunkhollow Quarry per their letter dated March 2, 2021 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: Vice-Chairman Groff stated he received a notice from North Penn Water Authority they will be flushing water lines on May 16, 2021 for the area west of Keystone Drive. He continued to state he will send the information over to be placed on the website. Supervisor Torrice stated he will be starting up the process of starting up the Business

Page 6
Board of Supervisors
March 22, 2021

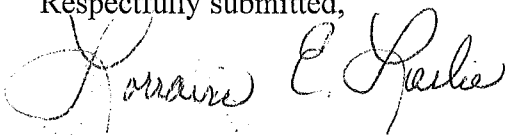
Advisory Board again. Chairman McIlhinney stated, because of the COVID pandemic, the Township will not be doing the Easter Egg Hunt again. Ms. Leslie stated the new playground set will be delivered this week and will be installed promptly by the company due to liability factors. She continued to state it will be all handicapped accessible.

11. PUBLIC COMMENT: Mark Geitz, 4422 Bethlehem Pike, asked who to contact due to trash issues on Bethlehem Pike. There is trash blowing out all over the roads. Waste Management was contacted, and they stated they clean up the roads by Waste Management and do nothing anywhere else. He continued to state there is dozens and dozens of bottles, soda cans, and pizza boxes all in the gutter near Mill Creek. Chairman McIlhinney stated to contact the state since it is a state road, and the trash industry is controlled by the state.

12. PRESS CONFERENCE: None.

13. ADJOURNMENT: Upon motion by Vice-Chairman Groff, seconded by Supervisor Torrice, and carried unanimously, the March 22, 2021 Hilltown Township Board of Supervisors meeting was adjourned at 7:35 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).