

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
REGULARLY SCHEDULED MEETING  
MONDAY, APRIL 26, 2021**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman John McIlhinney at 7:03 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, Chief of Police Christopher Engelhart, and Finance Director Marianne Egan.

1. ANNOUNCEMENTS:

a) Executive Session: Chairman McIlhinney stated, prior to the meeting, there was an executive session to discuss personnel and real estate matters.

b) Appointing of Township Solicitor: Motion was made by Vice-Chairman Groff and seconded by Supervisor Torrice to appoint Jack D. Wuerstle as the Solicitor for Hilltown Township. Motion carried 2-0-1 with Vice-Chairman Groff abstaining from the vote.

2. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

3. CONSENT AGENDA:

- a) Minutes of the March 22, 2021 Board of Supervisors Meeting
- b) Bills List – April 13, 2021
- c) Bills List – April 27, 2021
- d) Financial Report – March 31, 2021

Motion was made by Supervisor Torrice, seconded by Vice-Chairman Groff, and carried unanimously to accept and approve items 3(a) thru 3(d) on the Consent Agenda as written. Chairman McIlhinney commented on item #2 stating Eric Nogami does not speak for the Board of Supervisors or for the Planning Commission. He is a private citizen making a comment. There was no additional public comment.

4. CONFIRMED APPOINTMENT: None.

a) Robert & Kelley DelloRusso – 412 Siena Way: Fence and Shed in Easement: Solicitor Scott MacNair was in attendance, along with Robert DelloRusso, in regard to installing a fence around the perimeter of the rear yard, and a shed in the rear yard at the corner in a 25' wide farm buffer easement area located on the side property line at 412 Siena Way. Mr. MacNair discussed several exhibits including the location of 412 Siena Way at the end of the cul-de-sac, the adjacent farmland and buffer, the proposed fence line, the location of the proposed shed, a portion of the record plan showing the cul-de-sac neighborhood, and the original submission that were initially made with respect to the permit application to the Township to show the location of the two items. Both permit applications were denied based upon Section 160.33.A(2) of the Zoning Ordinance which would require the Board of Supervisors authorization for approval. Mr.

Page 2  
Board of Supervisors  
April 26, 2021

DelloRusso described the proposed location of the fence line and the proposed shed. Mr. DelloRusso stated the shed would be used for garden supplies, the tractor, and storage of Christmas decorations. He continued to state 50 shrubs were planted by the developer along the farm buffer easement. Mr. DelloRusso offered several pictures of possible styles of the proposed shed and the fence. He continued to state, per the HOA, the shed must look like his house in regard to the color, siding, and the roof. The shed would be 240 square feet, which is within the size allowed by the Township, and placed on 2x4's on a stone bed for drainage. Mr. DelloRusso stated the fence is proposed to be a white 8' privacy vinyl fence since the HOA does not allow electric fences, and he would like to install the fence to keep his dog in his yard and out of the neighbor's yard. He continued to state his neighbor at 403 Siena Way has a similar fence installed in a storm sewer easement, utility easement, and an open space easement. He stated he would agree that the fence and the shed he would be installing would be able to be removed, at his cost, if the Township needs to access the buffer easement area. Mr. DelloRusso stated there are a lot of swales in his yard which limits the area where a shed can be placed. Chairman McIlhinney stated, since they have never allowed a shed in an easement area, he does not think this is the appropriate time to do it since it is right next to a swale in the eased area. Mr. DelloRusso stated where he placed the shed is off the swale on purpose. That is why the shed impedes on the farm buffer easement; if he moves it any further towards the house, it will impact the swale. Chairman McIlhinney noted, when the property was purchased, Mr. DelloRusso initialed the location of the stormwater drainage facilities, the paths of stormwater runoff, and a reference to Township requirements which govern stormwater facilities and the homeowner's responsibility. Mr. DelloRusso stated he was not aware of the constraints on the farm easement. Mr. Fulmer stated the buffer easement was required by the Township Zoning Ordinance to provide buffering against an agricultural use. The easement itself is to prevent a property owner from going into that area and removing all of the landscaping that is supposed to be put in by the builder. The intent of the easement is to maintain the landscaping to provide a buffer between the two uses. Mr. Fulmer noted the phrase listed as "open space access easement" as labelled on the plan presented by the property owner is incorrect. Open space exists on the other side of the development, where the buffer yard easement doubles as an access easement to provide access to the open space area that will be owned by the HOA. Mr. Fulmer continued to state there is no drainage easement on Mr. DelloRusso's property because he is at the top of the drainage. It was confirmed there are not any underground utilities in the easement area where the shed is proposed. Mr. Fulmer stated, from a drainage standpoint, the proposed location is the best place for the shed. Chairman McIlhinney stated the typical fence that is allowed is a wrought iron fence. Mr. DelloRusso stated he picked a solid fence because his dog would get through the wrought iron fence and it does not have to be 8' high. Mr. Fulmer stated, in order to extinguish the required buffer yard area, the applicant would need to obtain a variance which would eliminate the requirement for the buffer yard easement. Mr. MacNair stated the extinguishment of the easement would be recorded but there is already a record plan. Anyone who does a title search will see that there is an easement on the plan unless the record plan is changed. Mr. Fulmer confirmed the property is in the CR-1 Zoning District and setbacks are 5 feet for accessory structures of 250 SF or less. Supervisor Torrice stated, when he first saw the proposal,

Page 3  
Board of Supervisors  
April 26, 2021

he thought it was a bad idea, but it is the only spot to logically place the shed. Vice-Chairman Groff agreed. Supervisor Torrice stated the drainage issue is important, but he also understands Chairman McIlhinney's concern. Solicitor Wuerstle stated, if the Board of Supervisors are inclined to provide the relief, an agreement can be drafted and condition it to the fence itself and any modifications to the proposal. Chairman McIlhinney stated he would like the fence to be 6'. Solicitor Wuerstle stated there is enough uniqueness to the situation in regard to the mislabeled plan, the drainage issues, and the shed which can be moved. All of these items can be incorporated and acknowledged into the agreement. In the end, there would be a product that is so unique that there would not be any precedent established.

Motion was made by Vice-Chairman Groff, seconded by Supervisor Torrice, and carried unanimously to accept the proposal for a 6' high or less solid fence, the ability to remove the fence and shed, the location per the exhibits that were presented as to not to impact the drainage, as well as the Township has the right to enter the easement area and they will not repair any trees and/or shrubs that may get damaged in an emergency situation. There was no public comment.

5. LEGAL: Solicitor's Report: None.

6. PLANNING:

a) BSA, LLC Minor Subdivision: Township Engineer, Tim Fulmer, stated the BSA, LLC plan is a two-lot minor subdivision located along Route 152 and Bennet Lane in the RR Zoning District. There is one existing house that is going to remain on the lot that fronts Route 152, and a new building lot proposed off of Bennet Lane within the Tice Estates Subdivision both with public water and public sewer access. The Planning Commission reviewed the plan on April 19, 2021 and recommended conditional Preliminary/Final approval subject to the conditions that were outlined in the April 5, 2021 review letter. Mr. Jason Smeland, P.E., Lenape Valley Engineering, stated a variance was received to permit both lots to be created having net lot areas of less than the minimum area required for single family detached dwelling uses in the RR Zoning District. Mr. Smeland continued to state the Tice Estates Homeowner's Association voted to not oppose the variance request with the following conditions: the new lot would have to be included in the Tice Estates Homeowner's Association, and the house that is built would have to be similar to the other houses in the development. Mr. Smeland stated this minor subdivision has the normal waiver requests such as showing features within 100 feet, waiver from curbs, sidewalks, etc., and deferral of the stormwater management and erosion sedimentation control until the permit plan is designed. Mr. Smeland stated, per the plan, the dark green area is existing trees that are proposed to be preserved, and a buffer will be provided to preserve these areas per the Tice Estates HOA. Per the tree replacement ordinance, the applicant is required to provide 38 replacement trees. Eight of the trees will be provided along the back of the property which leaves 30 trees short. The applicant would like to offer a fee in lieu of replacement trees, a fee in lieu of waived street improvements, along with the capital contribution in lieu of recreation land dedication.

Motion was made by Supervisor Torrice, seconded by Vice-Chairman Groff, and carried unanimously to grant Preliminary/Final plan approval for the BSA, LLC Minor Subdivision

Page 4  
Board of Supervisors  
April 26, 2021

contingent upon the items contained in Wynn Associates Inc. letters dated April 5, 2021 and April 20, 2021, the capital contribution in the amount of \$6,650.00 in lieu of waived street improvements, the capital contribution in the amount of \$7,500.00 in lieu of replacement trees, and the capital contribution in lieu of recreation land dedication in the amount of \$2,685.00. Supervisor Torrice clarified the location of the small sliver of land that was mentioned at the Planning Commission meeting. There was no public comment.

b) 1223 Keystone Drive Minor Subdivision: Mr. Fulmer stated 1223 Keystone Drive Minor Subdivision is a two-lot subdivision on Keystone Drive. One lot has an existing house and the other lot proposed is for a building lot. The Planning Commission reviewed the plan on April 19, 2021 at which time they recommended Preliminary/Final approval subject to the conditions that were outlined in the April 5, 2021 engineering review letter. Jeremy Madaras, P.E., JS Madaras Consulting LLC, stated the original application was for a proposed 3 lot subdivision but it was revised to a minor 2 lot subdivision. He stated he is requesting conditional final approval conditioned upon meeting the requirements of Mr. Fulmer's April 5, 2021 letter, acquiring a NPDES permit, acquiring approval for the sewage planning, submission of a fee in lieu of road improvements to Keystone Drive, and a capital contribution in lieu of recreation land dedication. Mr. Fulmer stated he does not have a cost estimate for street improvements. Mr. Fulmer stated, if the Board is inclined to grant a level of approval to the plan, it would be conditioned upon the applicant having to return to a future Board of Supervisors meeting with the estimate of cost for the waived street improvements that can be agreed upon. They are not waiving street improvements until they see the cost estimate and they agree upon the fee. Mr. Fulmer also noted the plan has to have action at the meeting otherwise the time frame under the MPC will run out unless an extension is granted. Mr. Madaras stated he would come back with the cost estimate along with the planning module.

Motion was made by Supervisor Torrice, seconded by Vice-Chairman Groff, and carried unanimously to grant Preliminary/Final plan approval for the 1223 Keystone Drive Minor Subdivision subject to compliance to the April 5, 2021 and April 20, 2021 Wynn Associates Inc. letters, and noting the waivers of the street improvements along Keystone Drive are not approved at this time, pending the submission of the cost estimate and a re-appearance before the Board of Supervisors to reconsider the waiver for street improvements, along with the submission of the planning module. There was no public comment.

c) Fray Minor Subdivision Resolution 2021-014 – Sewage Facilities Planning Module: Mr. Fulmer requested Resolution 2021-014 be adopted for the Sewage Facilities Planning Module for the Fray Minor Subdivision and be sent to PA DEP.

Motion was made by Vice-Chairman Groff, seconded by Supervisor Torrice, and carried unanimously to adopt Resolution 2021-014 for the Fray Minor Subdivision Planning Module to be sent to PA DEP. There was no public comment.

Page 5  
Board of Supervisors  
April 26, 2021

7. ENGINEERING:

a) Road Projects Bid Awards: Mr. Fulmer stated the road project bids for three Public Works projects were advertised through PennBid and opened on April 19, 2021:

- #2021-001 Ultra-Thin Bonded Wearing Course – One bid was received from Asphalt Maintenance Solutions, LLC in the amount of \$93,922.80 and recommended the bid be awarded to the low bidder, Asphalt Maintenance Solutions, LLC, based on the unit prices contained in the bid documents and subject to receipt of the performance bond, payment bond, and certificate of insurance as required by the project's specifications.

Motion was made by Supervisor Torrice, seconded by Vice-Chairman Groff, and carried unanimously to award bid #2021-001, Ultra-Thin Bonded Wearing Course to Asphalt Maintenance Solutions, LLC in the amount of \$93,922.80 based on the unit prices contained in the bid documents and subject to receipt of the performance bond, payment bond, and certificate of insurance as required by the project's specifications. There was no public comment.

- #2021-002 Milling and Superpave Wearing Course – Four bids were received with the lowest bidder being Blooming Glen Contractors, Inc. in the amount of \$57,734.75 and recommended the bid be awarded to the low bidder, Blooming Glen Contractors, Inc. in the amount of \$57,734.75 based on the unit prices contained in the bid documents and subject to receipt of the performance bond, payment bond, certificate of insurance as required by the project's specifications, and approval from PennDot for use of liquid fuels funds.

Motion was made by Vice-Chairman Groff, seconded by Supervisor Torrice, and carried unanimously to award bid #2021-002, Milling and Superpave Wearing Course to Blooming Glen Contractors, Inc. in the amount of \$57,734.75 based on the unit prices contained in the bid documents and subject to receipt of the performance bond, payment bond, certificate of insurance as required by the project's specifications, and approval from PennDot for use of liquid fuels funds. There was no public comment.

- #2021-003 Asphalt Seal Coat with Slurry Seal – One bid was received from Asphalt Maintenance Solutions, LLC in the amount of \$122,875.20 and recommended the bid be awarded to the low bidder, Asphalt Maintenance Solutions, LLC, based on the unit prices contained in the bid documents and subject to receipt of the performance bond, payment bond, and certificate of insurance as required by the project's specifications.

Motion was made by Supervisor Torrice, seconded by Vice-Chairman Groff, and carried unanimously to award bid #2021-003, Asphalt Seal Coat with Slurry Seal to Asphalt Maintenance Solutions, LLC in the amount of \$122,875.20 based on the unit prices contained in the bid documents and subject to receipt of the performance bond, payment bond, and certificate of insurance as required by the project's specifications. There was no public comment.

Vice-Chairman Groff left the meeting a 7:56 PM.

b) Coleman Land Development Lighting Revisions: Mr. Fulmer stated the Colman Land Development is an industrial land development project which is currently under construction on Progress Drive and was approved by the Board of Supervisors. The applicant, and owner of the project, requests approval to revise the approved lighting plan to eliminate pole lights in the vicinity of access drives/parking areas (due to potential for conflict with truck/vehicle traffic) in lieu of adding wall mounted light fixtures on the sides of the proposed building. Mr. Coleman stated the neighboring properties will not be affected by the wall lighting on the building. Motion was made by Supervisor Torrice, seconded by Chairman McIlhinney, and carried unanimously to approve the revisions to the lighting plan for the Coleman Land Development contingent upon Wynn Associates, Inc. review letter dated April 1, 2021 which states the lighting shall be installed in conformance with the revised lighting plan and details submitted by the applicant, and be maintained by the property owner in compliance with the approved plan in perpetuity, along with complying with the hours of illumination. There was no public comment.

8. UNFINISHED BUSINESS: None.

9. NEW BUSINESS:

a) Scott Drumbore – H&K – Requesting for extension of hours for May 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 May 1, 2021 and May 31, 2021, excluding holidays, for the PennDOT projects per their letter dated April 13, 2021. Ms. Leslie stated H & K provided the daily reports off of the equipment that runs in excess hours for March. Motion was made by Supervisor Torrice, seconded by Chairman McIlhinney, and carried unanimously to grant the extension of hours between May 1, 2021 and May 31, 2021 for the Concrete and Asphalt Plant at the Skunkhollow Quarry per their letter dated April 13, 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: None.

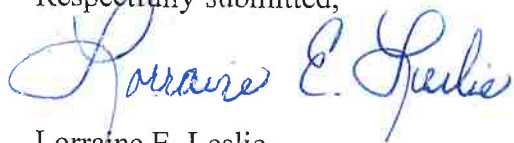
11. PUBLIC COMMENT: None.

12. PRESS CONFERENCE: None.

Page 7  
Board of Supervisors  
April 26, 2021

13. ADJOURNMENT: Upon motion by Supervisor Torrice, seconded by Chairman McIlhinney, and carried unanimously, the April 26, 2021 Hilltown Township Board of Supervisors meeting was adjourned at 8:07 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).