

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
REGULARLY SCHEDULED MEETING  
MONDAY, MARCH 27, 2023**

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

1. ANNOUNCEMENTS: Chairman Groff announced there was an Executive Session prior to the meeting to discuss legal matters.

2. CONSENT AGENDA:

- a) Minutes of the February 27, 2023, Board of Supervisors Meeting
- b) Bills List: March 14, 2023
- c) Bills List: March 28, 2023
- d) Financial Report: February 28, 2023

**Motion was made** by Supervisor McIlhinney, seconded by Vice Chairman Torrice, and carried unanimously to approve items 2(a) through 2(d) on the Consent Agenda. There was no public comment.

3. CONFIRMED APPOINTMENT: None.

4. LEGAL:

a) Ordinance 2023-001: Comcast Franchise Agreement: Solicitor Wuerstle stated the proposed Comcast Franchise Agreement was advertised for a Public Hearing at 7:15 PM and will open the hearing at that time.

b) Zoning Hearing Board Appeal 2023-007: Todd & Jennifer Huber (309 Maron Road) – Requesting Variance: Solicitor Wuerstle stated Todd & Jennifer Huber are requesting a variance to exceed the maximum allowed impervious area with the installation of a pool to create a condition of 27.8% impervious area where a maximum of 15% is allowed and the rear property set back at 7.7 ft where 10 ft is required with the meeting scheduled for April 13, 2023. It appears on the plan the existing impervious coverage is 22%, there was a previous Zoning Hearing Board decision, and the applicant's counsel is in the process of doing research. Braun Taylor, Hamburg, Rubin, Mullin, Maxwell & Lupin, stated the lot is non-conforming located in the RR District, it was cut out before the zoning was put together, and it is smaller than it should be to begin with. Relief was previously given to go up to 16.8% impervious by a Zoning Hearing Board decision when the house was built in 2007. After discussion, it was noted the current owners purchased the property in 2020, the applicant's counsel will research to verify the plans to see where the error was made and what is contained in the parcel file. The Board of Supervisors tabled ZHB 2023-007 until the Board of Supervisors meeting on April 10, 2023.

5. PLANNING: None.

6. ENGINEERING:

- a) Arbors Estates Subdivision: Mr. Fulmer stated Hallmark Homes has satisfactorily

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completed all maintenance period punch list items associated with the public improvements, such that the Township may accept completion of the 18-month maintenance period and authorize return of remaining financial security to the developer.

**Motion was made** by Supervisor McIlhinney, seconded by Vice Chairman Torrice, and carried unanimously to accept completion of the 18-month maintenance period for the Arbors Estates Subdivision and authorize the return of the remaining financial security to the developer upon payment of all engineering, legal, and Township administrative costs incurred by the Township during the course of the project. There was no public comment.

b) 2023 Road Project Bid Awards: Mr. Fulmer stated the advertised bid openings occurred on March 20, 2023.

**#2023-001 Asphalt Sealcoat with Slurry Seal** – One bid was received from Asphalt Maintenance Solutions, LLC in the total amount of \$139,938.00.

**Motion was made** by Supervisor McIlhinney, seconded by Vice Chairman Torrice, and carried unanimously to award bid #2023-001, Asphalt Sealcoat with Slurry Seal, to Asphalt Maintenance Solutions, LLC in the amount of \$139,938.00 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.

**#2023-002 Cartway Milling and Superpave Installation** – Four bids were received with the lowest bidder being Blooming Glen Contractors, Inc. in the amount of \$623,719.25.

**Motion was made** by Supervisor McIlhinney, seconded by Vice Chairman Torrice, and carried unanimously to award bid #2023-002, Cartway Milling and Superpave Installation, to Blooming Glen Contractors, Inc. in the amount of \$623,719.25 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, and approval from PennDot for use of liquid fuels funds. There was no public comment.

At this time, Solicitor Wuerstle proceeded with the Public Hearing for the Comcast Franchise Agreement. Solicitor Wuerstle suspended the Board of Supervisors meeting at 7:15 PM and opened the Hearing for Ordinance 2023-001 for the Comcast Franchise Agreement. Solicitor Wuerstle stated the Comcast Franchise Agreement is an operating agreement that is specific to term, duration, time, and with general conditions, much of which is controlled by Federal legislation including the Cable Act. The changes largely consisted of the elimination of some language which is no longer applicable, language was removed due to the build out of the system throughout the Township, and the Township received some concessions regarding certain procedures regarding dispute resolutions and other things such as expanded time lines, etc. Solicitor Wuerstle presented three exhibits: Exhibit A – Franchise Agreement, Exhibit B – Ordinance 2023-001, and Exhibit C – Proof of Publication advertised in The Intelligencer on March 17, 2023, and asked for a motion to approve Ordinance 2023-001 for the Comcast Franchise Agreement.

**Motion was made** by Supervisor McIlhinney, seconded by Vice Chairman Torrice, and carried unanimously to adopt Ordinance 2023-001 for the Comcast Franchise Agreement. There was no public comment. Solicitor Wuerstle adjourned the Public Hearing and reconvened the Board of Supervisors meeting.

7. UNFINISHED BUSINESS: None.

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8. NEW BUSINESS:

a) Resolution 2023-011 – Appointment to Vacated Seat on Zoning Hearing Board: Chairman Groff gave recognition to John Snyder, who is vacating his seat on the Zoning Hearing Board effective March 31, 2023, and stated: John Snyder has lived in Hilltown Township basically his whole life, his parents went into the insurance business, along with John, and he has been involved with Hilltown Township probably 2/3 of his life. John served as a Township Auditor from 1981 – 1986, appointed to the ZHB in 1986, serving as Chairman since 1990, is a member of the Hilltown Volunteer Fire Company from 1976 – present; active firefighter until 2016 holding offices of Secretary, Vice President, President, Assistant Chief, and Chief. John was a member of the Hilltown Fire Police from 1981 – present; active until 2016 serving as Officer, Lieutenant, and Captain. John was the voice and character of McGruff the Crime Dog – 1984 to 1999 as part of Hilltown's Crime Prevention and Dare Program. Also, John is the only civilian member of the Upper Bucks Police Departments Tactical Team serving as a driver and communication assistant. Chairman Groff stated, on behalf of Hilltown Township and the Board of Supervisors, John Snyder was thanked publicly for his service to Hilltown Township over the years. Chairman Groff continued to state Resolution 2023-011 is for consideration to appoint Brooke Rush to fill the vacated seat on the Zoning Hearing Board through 2023.

**Motion was made by** Vice Chairman Torrice, seconded by Supervisor McIlhinney, and carried unanimously to approve Resolution 2023-011 appointing Brooke Rush to fill the vacated seat on the Zoning Hearing Board through 2023. There was no public comment.

b) H&K Extension of Hours – April 1 – 30, 2023: Chairman Groff 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, 2023, and April 30, 2023, excluding holidays, for the PennDOT projects per their letter dated March 20, 2023, and also begin operation at 5:00 am at the Blooming Glen Quarry for a contract that they have in Philadelphia. There is concern from the Board with starting at 5:00 am and are strongly suggesting they fill the trucks the night before and the trucks can roll out at 5:00 am as the Board is not interested in them filling the trucks at 5:00 am.

**Motion was made by** Supervisor McIlhinney, and seconded by Chairman Groff, to grant the extension of hours between April 1, 2023, and April 30, 2023, for the Concrete, Asphalt and Crushing Plant at the Skunkhollow Quarry per their letter dated March 20, 2023, with the exception of striking the part in the letter in regard to "and/or private customers", and allowing Blooming Glen Quarry to load the trucks the night before so they can roll out at 5:00 am for the contract they have in Philadelphia. Motion passed 2-1 with Vice Chairman Torrice having the opposing vote. There was no public comment.

9. SUPERVISOR'S COMMENTS: Chairman Groff stated the spill in Lower Bucks County that went into the river has not affected the water in Hilltown Township along with the areas in the lower end of the Township that North Penn Water Authority services. He continued to state monitoring is being done constantly; 24/7.

10. PUBLIC COMMENT: Jim Baskin, 34 Fretz Road, was in attendance along with Steven Gratos, Lou Velasco, and Joe Winters, and stated the first time they applied for Open Space, they were turned down because they did not have quite 40 acres and Steven was not part of the submission. The second time they applied, they had 55-60 acres; all adjoining land. He asked where the Township stands as Ms. Leslie said she did not know if the Township has the money. Ms. Leslie stated she believed there were five parcels

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involved. After clarification there was four parcels, she stated there would be four more appraisals because the original appraisals are now null and void and she did not know if the Board had an interest in doing it in the first place.

Joe Winters, 1661 Broad Street, stated they received an official letter that the first application was turned down. They re-applied with approximately 56 acres and have not officially been denied but all of their properties are actively farmed by members of their community which benefits the community to have smaller farms and open space because that was what Hilltown Township was built off of. He continued to state, the Board has run on platforms to preserve farmland, improve transparency and communication between Hilltown officers, and from their dealings, the Board has fallen short regarding their second application which met all of the standards. It was determined the approximate breakdown is: Joe – 8+ acres, Lou – 8+ acres, Jim – 22+ acres, and Steven – 25+ acres. Vice Chairman Torrice stated he took office in 2020, the Township had \$5.5 million, almost \$4 million has been spent since he has been in office, and he counters the statement that they are not interested in preserving land. Neighbors have come before the Board and try to piece parcels together and, for the same reason it was denied the first time, that is not how he envisions this program working; crossing streets, band aiding eleven acres together to make large parcels was not exactly how he envisioned how this program was to work. That was why, initially when they came in, his answer was a “no, thank you.” He is familiar with all of the property and would love to see it be continued to be farmed but he does not know that piecemealing a bunch of properties together is what he is looking for. Mr. Winters stated when preserving a property that is just a straight up 60 acres, when that person passes on, they need someone who has the money to buy a full 60 acres. Mr. Winters stated he understands it is not Vice Chairman Torrice’s vision and he probably has 60 acres that he would like to preserve himself, but these are smaller and gentlemen’s farms, and they would be wanted. Mr. Winters confirmed a road, cuts through the properties. Vice Chairman Torrice stated there has been another application on the books for years from another farmer in the community to preserve a parcel that wasn’t preserved because a road cut through it. Supervisor McIlhinney stated that is not the reason why that person’s application did not go through. Mr. Baskin stated the road goes through, the properties adjoin and takes access from the center of the road. Supervisor McIlhinney stated he disagrees what Vice Chairman Torrice said. The program was set up to preserve open space, not necessarily just agricultural land. Open space is the way the Ordinance was passed and the fact it was set up by the Open Space Committee and the Board of Supervisors, way back when, was that 40 acres would be the minimum unless you were adjacent to a piece of land that was already preserved, and then you could have something less than forty acres if you wanted to add to that forty acre parcel. It was never set up to be only big landowners participating. It was set up so neighbors could get together and preserve the land and Vice Chairman Torrice’s preference does not mean anything because the voters approved it that way. Vice Chairman Torrice stated he has to look at what the probability of what the development would be with an eleven acre parcel compared to an entire forty acre parcel. Forty acres stands out in his mind as being less likely of being developed. Supervisor McIlhinney asked what the development has to do with it, and Vice Chairman Torrice is not the person that makes the decision on whether a piece of land is developed. Vice Chairman Torrice asked why the Board is preserving the property. Supervisor McIlhinney stated because the people of the Township decided they would like the open space to continue the rural atmosphere of the Township. Vice Chairman Torrice stated, so it wouldn’t be developed. Supervisor McIlhinney stated, so it wouldn’t be developed. Vice Chairman Torrice stated, exactly. Supervisor McIlhinney stated it also helps to control the taxes. It was stated the Zoning Hearing Board gave the variance for Steve Yates’s property. Chairman Groff stated the Board will take a look at the applications and follow up with a decision with a letter. Jim Baskin asked

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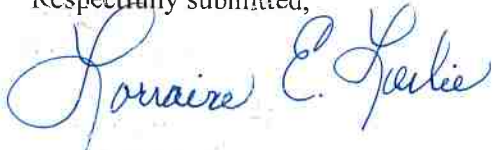
if their places are not any good for open space, he would like to know whose is. Steve Gratos, 1720 Broad Street, stated the farm has been in his family since 1910, almost 115 years, and he would like to see the property preserved and stay farmland instead of selling it to a developer.

Chris Shinnars, 400 Long Leaf Drive, asked for the status of the Lanning fence issue. Solicitor Wuerstle stated a compromise was made and the fence will be backed off and on the other side of the Authority easement; 35' will be fenced and 35' would not be fenced. It was noted there is not a standardized distance for a fence location on the property line and copies of the agreements will be sent to Mr. Shinnars. It was noted a pool cannot be put into open space. Solicitor Wuerstle stated the next step will be for the property owners to submit a permit application to the Township which will be conditioned upon two separate agreements.

11. PRESS CONFERENCE: None.

12. ADJOURNMENT: Upon motion by Supervisor McIlhinney, seconded by Vice Chairman Torrice, and carried unanimously, the March 27, 2023, Hilltown Township Board of Supervisors regularly scheduled meeting was adjourned at 7:44 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).