

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING
MONDAY, MAY 22, 2023**

The regular 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, Timothy 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 March 27, 2023, Board of Supervisors Meeting
- b) Minutes of the April 10, 2023, Board of Supervisors Meeting
- c) Bills List: April 25, 2023
- d) Bills List: May 9, 2023
- e) Bills List: May 23, 2023
- f) Financial Report: April 30, 2023

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

3. CONFIRMED APPOINTMENT: None.

4. LEGAL:

a) Solicitor Wuerstle asked the Board of Supervisors for authorization to begin the review process and advertising of a proposed amendment to the zoning ordinance regarding very old existing non-conforming use provisions that pre-date zoning in the Township, prior to 1959.

Motion was made by Supervisor McIlhinney, seconded by Vice Chairman Torrice, and carried unanimously to allow Solicitor Wuerstle to begin the review process and advertising of an amendment to the Zoning Ordinance for old existing non-conforming use provisions that pre-date zoning in the Township, prior to 1959. There was no public comment.

At this time, Chief of Police Christopher Engelhart asked for approval to hire Ryan Thomas Miller as a new Police Officer for Hilltown Township.

Motion was made by Supervisor McIlhinney, seconded by Vice Chairman Torrice, and carried unanimously to hire Ryan Thomas Miller as a Police Officer of the Hilltown Township Police Department. There was no public comment. Magisterial District Judge, Regina Armitage, proceeded with the swearing in ceremony and gave the Oath of Office to Officer Miller.

5. PLANNING:

a) Chambers Minor Subdivision: Tim Fulmer stated the Planning Commission recommended preliminary and final approval for the 2-lot Chambers Minor Subdivision conditioned upon completion of items contained within the engineering review letter dated March 24, 2023, including the requested waivers. Jason Smeland, Lenape Engineering, was in attendance, along with applicants Patrick

Page 2
Board of Supervisors
May 22, 2023

and Brenda Chambers, to review the proposed 2-lot subdivision on approximately 29 acres located at 305 Forest Road/Rickert Road in the RR Zoning District. Mr. Smeland stated Forest Road is a private road that is maintained by the three owners. The Planning Commission asked for a note on the record plan notifying the new owner that the road is private. The requested waivers consisted of: 1. Curbs, sidewalks, and road widening. 2. Existing features within 100 feet of the site to be shown on the plan. 3. Stormwater management and erosion control until the time of building/zoning permit application. 4. Wetland delineation to be performed for the entire property. 5. Frontage on a street that is not already dedicated to the Township. Regarding the waiver for the road improvements and the fee in lieu, the applicant would like to deed restrict both the properties and he is requesting the fee in lieu be waived. Mr. Smeland continued to state the rest of the items contained in the March 24, 2023, letter are all will comply. Mr. Fulmer stated the estimate of cost for cartway, widening, curb and sidewalks that would have to go along Rickert Road was approximately \$20,000.00 - \$25,000.00. Mr. Smeland stated it is a developable property and without the deed restriction, it could probably be subdivided into 4 or 5 more lots. The applicant wants to deed restrict the property in exchange for the fee in lieu. The Board of Supervisors agreed to waiving the fee in lieu of road improvements. Mr. Smeland reviewed the drainage easement area within the two-flood plain areas. Mr. Fulmer stated all of the wetlands appear to be in the area of the flood plain. Mr. Fulmer stated the septic systems are on the plan, both primary and reserve.

Motion was made by Supervisor McIlhinney, seconded by Vice Chairman Torrice, and carried unanimously to approve the waivers for the Chambers Minor Subdivision, as outlined in the Lenape Valley Engineering March 1, 2023 letter, as revised in the May 15, 2023 memo, which are also discussed in the Wynn Associates review letter dated March 24, 2023 in comments 3 & 4, subject to the offer of deed restriction from further subdivision, and, as stated tonight by the applicant, there would be a note put on the plan to that affect, and there would also be a declaration of restrictions suitable to the Township Solicitor that would be put in place. There was no public comment.

Motion was made by Vice Chairman Torrice, seconded by Supervisor McIlhinney, and carried unanimously to grant Preliminary/Final approval for the Chambers Minor Subdivision contingent upon the items contained in Wynn Associates review letter dated March 24, 2023, with the added statement that the record plan shall contain a note, to the satisfaction of the Township and the Township Solicitor, that alerts future owners of lot 1 as to the private nature of Forest Road. There was no public comment.

b) Resolution 2023-013 – Wahlers Accessory Dwelling Sewage Facilities Planning Module: Tim Fulmer stated the Wahlers seek to construct a new accessory family residence, to be served by a new on-lot sewage facility on a parcel located at 410 W. Creamery/Callowhill Road, which is currently being served by an on-lot sewage facility. An amendment to the Act 537 Plan is proposed to permit the lot to be served by on-lot sewage facilities. Mr. Fulmer requested the Board of Supervisors adopt Resolution 2023-013, Resolution for Plan Revision for New Land Development, so the planning documents may be submitted to PADEP for review.

Motion was made by Vice Chairman Torrice, seconded by Supervisor McIlhinney, and carried unanimously, to adopt Resolution 2023-013, Plan Revision for New Land Development, for the Wahlers accessory dwelling, and be sent to PADEP for review. There was no public comment.

6. ENGINEERING:

a) MS4 – Stormwater Management Update: Mr. Fulmer gave an overview of the status of the MS4 Stormwater Management Update stating:

- Wynn Associates recently completed monitoring of various stormwater management basins within the Township.

Page 3
Board of Supervisors
May 22, 2023

- Wynn Associates will be scheduling visits to monitor all regulated outfalls in the upcoming months as required by PADEP.
- In accordance with the approved Pollution Reduction Plan, Wynn Associates is in the process of preparing design plans to enable completion of various stormwater projects to comply with requirements of PADEP for pollution reduction. To date, four projects have been substantially completed, with many more in planning.
- In the past year, the Township adopted updated Stormwater Management Ordinance requirements for consistency with MS4 requirements of the 2022 Model Ordinance.
- An application for renewal of the Township's NPDES Permit must be completed before October 2, 2024.
- Wynn Associates must file the annual MS4 Report with PADEP by the end of September 2023.

Supervisor McIlhinney stated, since most of the Upper Bucks Townships (based on population) have been required to update their Stormwater Model Ordinance, over the years, they have taken Upper Bucks County and determined that Upper Bucks municipalities has to do a lot more work than Central Bucks, or Lower Bucks. Central/Lower Bucks are already built up, so they do not have to do anything. Upper Bucks has to make up the difference and the landowners pay the penalty for the rest of the County. Chairman Groff asked for Public Comment. There was no public comment.

7. UNFINISHED BUSINESS:

a) Louisa Hermann – 304 Fox Lane – Fence: Ms. Hermann withdrew from the agenda.

8. NEW BUSINESS:

a) Swearing in of New Police Officer – Ryan Thomas Miller: This was completed earlier in the meeting.

b) Resolution 2023-012 Sterling Act: Lorraine Leslie stated the Sterling Act gives Philadelphia/Pittsburg overwhelming rights to wage tax at 3.448% for non-residents. Resolution 2023-012, along with everyone else in the Tax Collection Committee, is designed to petition Harrisburg to change this to at least force Philadelphia to give the municipalities their Earned Income Tax rate. In the case of Hilltown, it is ½ of 1%. It is estimated that Hilltown is losing \$111,000.00 in a year, that should be coming back to Hilltown from Philadelphia and it does not. This is an effort to try and get this looked at once again and to join with all of the other municipalities in Bucks County to do this Resolution and send it in mass to Harrisburg.

Motion was made by Supervisor McIlhinney, seconded by Vice Chairman Torrice, and carried unanimously to approve Resolution 2023-012 for the Sterling Act. There was no public comment.

c) H&K Extension of Hours – June 1 – 30, 2023: Lorraine 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 June 1, 2023, and June 30, 2023, excluding holidays, for the PennDOT projects per their letter dated May 15, 2023, and noted H & K provided the daily reports off of the equipment that ran for the month of April. **Motion was made** by Supervisor

Page 4
Board of Supervisors
May 22, 2023

McIlhinney, seconded by Vice Chairman Torrice, and carried unanimously to grant the extension of hours between June 1, 2023, and June 30, 2023, for the Concrete, Asphalt and Crushing Plant at the Skunkhollow Quarry per their letter dated May 15, 2023, with the exception of striking the part in the letter in regard to "and/or private customers". There was no public comment.

9. SUPERVISOR'S COMMENTS: Vice Chairman Torrice thanked the voters for coming out to the Primary Election and also thank the people working at the poles. Supervisor Groff stated the Public Works Department are doing a nice job with all of the mowing they are doing throughout the Township.

10. PUBLIC COMMENT:

Jack Morgan, 750 S. Perkasia Road, asked for the possibility of a speed reduction from 45 MPH to 35 MPH along S. Perkasia Road. Chief Engelhart stated they will do a speed study to determine what the 85 percentile is, based on the statistics, and bring it back to the Board to determine what they want to do.

Corrin Keeler, 302 Fox Lane, questioned the status of Luisa Hermann's fence and read excerpts from letters received from the Township. Solicitor Wuerstle stated the Hermann new application has been filed with the Township, it is with the Zoning Officer for review, and the fence appears to be located outside of the Open Space area.

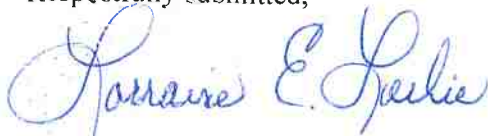
Chris Shinnors, 400 Long Leaf Drive, questioned the status of the Lanning fence. Solicitor Wuerstle stated the Lanning's have re-applied to move the fence and is in the process of being reviewed. Solicitor Wuerstle added the developer provided the Open Space provision for that development, before 1999.

Joe Winters, 1661 Broad Street, questioned when the availability of minutes from March and April will be placed on the website. Ms. Leslie stated they were approved at this meeting and will be on the website Tuesday morning.

11. PRESS CONFERENCE: None.

12. ADJOURNMENT: Upon motion by Supervisor McIlhinney, seconded by Vice Chairman Torrice, and carried unanimously, the May 22, 2023, Hilltown Township Board of Supervisors work session meeting was adjourned at 7:51 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).