

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULAR MEETING
MONDAY, AUGUST 28, 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, and Theresa Spehar.

1. ANNOUNCEMENTS: Chairman Groff announced there was an Executive Session on August 11, 2023, August 22, 2023, and prior to tonight's meeting to discuss legal matters.

2. CONSENT AGENDA:

- a) Minutes of the July 24, 2023, Board of Supervisors Meeting
- b) Bills List: August 15, 2023
- c) Bills List: August 29, 2023
- d) Financial Report: July 31, 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) Zoning Hearing Board Appeal 2023-014: Gary & Deborah Marlin, 423 E. School House Road – Seeking Special Exception: Solicitor Jack Wuerstle stated the application of Gary & Deborah Marlin is confusing because in one part of the application, they seem to be talking about a special exception and in another part of the application they seem to be talking about a variance, and it is actually unclear whether either form of relief is necessary. Solicitor Wuerstle suggested the Board ask him to contact the Marlins simply to suggest that they may want to have this reviewed by land use counsel. It is his understanding that they are doing this pro se, and it is unclear whether or not they are going in the right direction. The Board of Supervisors agreed to have Solicitor Wuerstle contact the Marlins.

b) Resolution 2023-014: Intergovernmental Agreement Providing for Hilltown Township's Participation in the Administration and Enforcement of the Pennridge School District School Bus Stop Arm Signal Enforcement System: Solicitor Wuerstle stated Resolution 2023-014 is an Intergovernmental Agreement between Pennridge School District and all of the municipalities that feed into the school district. In summary, back in March, the School District approved an agreement with BusPatrol America, LLC to provide stop arm signal enforcement systems on the buses. The stop arms will be equipped with a video device where by if a motorist speeds past the school bus with the arm open or otherwise creates a dangerous situation with respect to the students getting on/off the bus, it will take a snap shot of them which can be used as evidence by the Police Department to enforce civil penalties. Chief Engelhart had told him it will not be a burden to the Department. Solicitor Wuerstle stated if, for any reason, the system is somehow not workable or causing problems, they can give 30 days' notice and they are out of the agreement.

Motion was made by Vice Chairman Torrice, seconded by Supervisor McIlhinney, and carried unanimously to approve Resolution 2023-014 for the Intergovernmental Agreement Providing for Hilltown Township's Participation in the Administration and Enforcement of the Pennridge School District School Bus Stop Arm

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Signal Enforcement System and authorizing Police Chief, Christopher Engelhart, to sign on to the program on behalf of the Township. There was no public comment.

5. PLANNING:

a) County Central Mini Storage Land Development: Tim Fulmer stated this project was before the Planning Commission at which time they recommended Preliminary approval subject to compliance with the July 10, 2023, engineering review letter. Mr. Fulmer stated the lighting plan proposes all night lighting for security, which is typical for a mini storage facility. Jason Smeland, Lenape Engineering, discussed the zoning relief that was obtained for the stormwater, woodlands disturbance, and fencing. Mr. Smeland reviewed the layout of the buildings stating most of the buildings are 60 x 100 SF and accessed through an internal corridor, along with stating the buildings will have a low profile. Mr. Smeland reviewed the waivers in the July 10, 2023, review letter stating:

- A fee in lieu will be offered for the road improvements along County Line Road and will discuss the waiver further at final plan submission.
- Additional information will be provided for the required features.
- Potentially there is a deficit of 227 trees if they are not planted on the off-site property and a fee in lieu will be offered at final plan submission.
- There will be some curbing on the site but in the back, it will be advantageous to allow the water to flow over land.
- The site is fairly flat, and it is difficult to maintain the minimum pipe size of 18 inches.
- 25% of the impervious area will be shaded with canopy trees.
- Some of the parking spaces are within 20' from the building.
- There may be some outdoor storage, but a note will be put on the plan that there will not be anything stored outside that will impede with traffic for getting emergency vehicles and trucks in and around the property.
- There will not be any trash receptacles to screen and any kind of trash will be container service for the people using the facility. Mr. Smeland stated any abandoned unit will go up for auction and whoever buys the contents is responsible for getting rid of the garbage.
- The Applicant is asking to have lighting on all night in the corridor and parking lot area. Mr. Fulmer added the Police Department will have access to the site and the cameras.
- Some units will be climate controlled. The buildings are engineered for snow loads and the trusses will be designed accordingly.

Motion was made by Supervisor McIlhinney, seconded by Vice Chairman Torrice, and carried unanimously to grant Preliminary plan approval for the County Central Mini Storage Land Development contingent upon the items contained in Wynn Associates Inc. letter dated July 10, 2023, waiver 3A and 3C be deferred until final plan approval, waivers 3B, 3D, 3E, 3F, 3G, and 3H granted, allow for the all-night lighting for security provided they meet all requirements of the ordinance, and there will not be anything stored outside that will not impede traffic. There was no public comment.

b) Burger King (Wawa Lot 2) Land Development: Tim Fulmer stated the Burger King project is part of a prior subdivision which created two lots, one of which is the Wawa located on Route 313. The Board did not approve the final land development plan for lot 2 until the tenant was known. Mr. Fulmer continued to state the engineering review letter dated August 14, 2023, was before the Planning Commission at which time they recommended final plan approval subject to compliance of the review letter. There are no waivers being asked for because they were granted at the time of the original approval.

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but lighting would need to be discussed. In regard to the reduced parking on the south side, Ms. Stephanie Albright P.E., APD Engineering and Architecture, PLLC, stated Burger King's are 80% drive-thru and not a lot of people go inside so there is not really a need for parking and the dining room was reduced as well. Mr. Fulmer stated one of the components of the plan is the applicant is proposing to reserve parking, which the Board can allow, under the Zoning Ordinance, the reduction of parking down to no less than 60% of the required number of spaces being constructed at the time the development is built. Also, there is the provision of an agreement that will get executed by the applicant and the Township, that gives the Township the ability, within one year after the issuance of the occupancy permit for the use, they can re-assess the parking and require the applicant to build the spaces if the Township feels they are needed. Mr. Fulmer added there are a number of spaces on the plan, within the allotted requirement, that are along the southern most property line on the far side of the drive-thru window area, which the applicant felt those were the best spaces to put in reserve. Mr. Fulmer stated at the time of the overall approval for the Wawa project, they did get approval to have all night lighting, however, at the time, the Board did impose a condition stating the lighting for the fast-food restaurant on Lot 2 shall be extinguished 2 hours after closing unless the restaurant proposes and the Township approves a 24 hour a day operation. At the Planning Commission meeting, the applicant stated the proposed hours at the Burger King are Sunday – Thursday, 6:00 AM till 12:00 midnight and Friday and Saturday, 6:00 AM till 1:00 AM, but they had asked to be able to leave the lights on 24 hours.

Motion was made by Supervisor McIlhinney, seconded by Vice Chairman Torrice, and carried unanimously to grant Final plan approval for the Burger King (Wawa Lot 2) Land Development contingent upon the items contained in the Wynn Associates Inc. letter dated August 14, 2023, allowing 24-hour lighting, and the reservation of parking spaces provided the applicant executes the agreement prepared by the Township Solicitor. There was no public comment.

6. ENGINEERING: None.

7. UNFINISHED BUSINESS: None.

8. NEW BUSINESS:

a) Salt Bid Results for the 2023-2024 Season: Ms. Leslie stated the Consortium prepared the bidding for salt for the 2023-2024 season and four bids were received with Silvi Concrete Products (DEB Riverside Construction) came in as the low bidder in the amount of \$66.00/ton for delivery and \$65.85/ton undelivered.

Motion was made by Supervisor McIlhinney, seconded by Vice Chairman Torrice, and carried unanimously to grant the Salt Bid for the 2023-2024 season to the low bidder Silvi Concrete Products (DEB Riverside Construction) in the amount of \$66.00/ton for delivery and \$65.85/ton undelivered. There was no public comment.

b) H&K Extension of Hours – September 1 – 30, 2023: 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 September 1, 2023, and September 30, 2023, excluding holidays, for the PennDOT projects per their letter dated August 16, 2023. Motion was made by Supervisor McIlhinney, seconded by Vice Chairman Torrice, and carried unanimously to grant the extension of hours between September 1, 2023, and September 30, 2023, for the Concrete, Asphalt and Crushing Plant at the Skunkhollow Quarry per their letter dated August 16, 2023, with the exception of striking the part in the letter in regard to "and/or private customers". There was no public comment.

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c) Resolution 2023-015: Ms. Leslie stated Resolution 2023-015 is for the Board to authorize her to execute a PennDot agreement for the Callowhill Road Bridge. Motion was made by Vice Chairman Torrice, seconded by Supervisor McIlhinney, and carried unanimously to approve Resolution 2023-015 to allow Lorraine Leslie to execute a PennDot agreement for the Callowhill Road Bridge. There was no public comment.

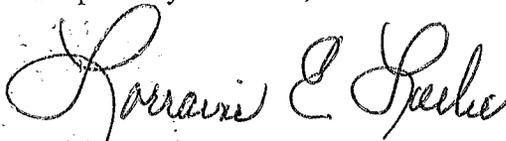
9. SUPERVISOR'S COMMENTS: None.

10. PUBLIC COMMENT: None.

11. PRESS CONFERENCE: None.

12. ADJOURNMENT: Upon motion by Supervisor McIlhinney, seconded by Vice Chairman Torrice, and carried unanimously, the August 28, 2023, 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).