

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
MONDAY, DECEMBER 16, 2019**

The regularly scheduled work session meeting of the Hilltown Township Board of Supervisors was called to order by Chairman John B. McIlhinney at 7:03 PM and opened with the Pledge of Allegiance. Also in attendance were Vice-Chairman Ken Bennington, Supervisor James Groff, Township Manager Lorraine Leslie, Chief of Police Christopher Engelhart, Township Solicitor Stephen Harris, and Administrative Assistant Theresa Spehar.

1. ANNOUNCEMENTS: None.
2. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.
3. CONSENT AGENDA:
 - a) Minutes of the November 11, 2019 Board of Supervisors Meeting
 - b) Bills List November 26, 2019
 - c) Bills List December 17, 2019
 - d) Financial Report November 30, 2019
 - e) Souderton Fire Company 2020 Fire Agreement for Signature by the BOS
 - f) Hilltown Fire Company 2020 Fire Agreement for Signature by the BOS
 - g) Silverdale Fire Company 2020 Fire Agreement for Signature by the BOS
 - h) Sellersville Fire Company 2020 Fire Agreement for Signature by the BOS

Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to accept and approve items 3a) thru 3h) on the Consent Agenda as written. There was no public comment.

4. CONFIRMED APPOINTMENT: None.
5. LEGAL: SOLICITOR'S REPORT:
 - a) Resolution 2019-020 – Agriculture Security Area - Wildemore – Solicitor Harris stated Resolution 2019-020 is for accepting the application from Jacob and Jayne Wildemore, 977 Upper Stump Road, to join the Hilltown Township Agricultural Security Area in the amount of approximately 11.5 acres. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to approve Resolution 2019-020 accepting the Jacob and Jayne Wildemore application to Hilltown Township Agricultural Security Area. There was no public comment.

b) Tabora Farm – Presentation of Settlement Agreement - Solicitor Harris stated there is a settlement agreement for Tabora Farms that has been signed by Mr. Torrice and his wife and is presented for approval by the Board of Supervisors. If the Board approves it, it will be submitted to the Court of Common Pleas for their approval. If the Court approves it, then it will become a court order. Chairman McIlhinney stated the settlement takes into account the various items that were discussed at the Zoning Hearing Board and it also makes reference to the various code violations, many of which are life-safety code violations, and permits Tabora Farm to continue for an extended period of time to, hopefully, address those items. Chairman McIlhinney continued to state he does not think, based on the history of the last two years, and at any time any of these code violations could have been addressed and they were not, that to expect anything different, would be quite a surprise. Motion was made by Supervisor Bennington and seconded by Supervisor Groff to accept the settlement agreement for Tabora Farms. Motion passed 2-1 with Chairman McIlhinney having the opposing vote. There was no public comment.

c) Bank of America ZHB 2019-011 – 1691 Bethlehem Pike – Hearing Date 12/19/2019 – Solicitor Harris stated The Bank of America is requesting variances for front-yard setbacks, lighting, signage and parking for the construction of a stand-alone, walk up ATM kiosk at the corner of Swartley Road and Bethlehem Pike. The Board of Supervisors does not wish for Solicitor Harris to attend the hearing.

d) FWC Properties ZHB 2019-013 – 31 Church Road – Hearing Date 1/9/2020 – Solicitor Harris stated FWC Properties is requesting variances to facilitate the rehabilitation of an existing mixed-use 1.55 acre property located at 31 Church Road. The Board of Supervisors does not wish for Solicitor Harris to attend the hearing.

e) Pearl Buck International, Inc. UCC Appeal 2019-002 – 520 Dublin Road – Hearing Date 1/7/2020 – Solicitor Harris stated the UCC Appeal Board is hearing an application of Pearl S. Buck International, Inc. who is proposing to re-purpose the existing office space at 520 Dublin Road, into a conference and event space. The review by the code office states there are a number of requirements, primarily a sprinkler system, would be required. It is being appealed and asking the Board of Appeals to find that a sprinkler system would not be required. Supervisor Bennington stated he does not want Solicitor Harris to attend because it is a farce. Solicitor Harris continued to read a letter from Rob Loughery, Chairman of the Office of the Commissioners, primarily stating Pearl S. Buck only has access to well water, sits next to a quarry, and the footprint required for a holding tank would reduce the size of the center to a point that it would not be a feasible

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investment, therefore, it is key that a modified sprinkler system be approved. Experts working with Pearl S. Buck International have agreed that the modified system is adequate to ensure public safety. The system provides a 10-minute duration, and the fire chief has told Pearl S. Buck International that it takes the department 7 minutes to get to any location in their service area. Chairman McIlhinney stated Rob Loughery is not an expert but the 5500 sq. ft. building is 1800 sq. ft. bigger than the current old building and the old building was not built to have 300 people and that is what the proposed conference center will have when they rent it out for any event. Chairman McIlhinney continued to state there will be 300 people in this building and have to rely on a statement that states "we think we can get the fire trucks there in seven minutes so that will give a three minute leeway to get out of the building". Supervisor Groff stated he would like more details on the modified system. Chairman McIlhinney stated it is another life safety question and nobody wants to foot the bill for it. Supervisor Groff stated if his questions can be answered and the experts are legit, he would be willing to agree to it. Solicitor Harris stated he will get more information by the Board of Supervisors Re-Organization Meeting and the Board will make a determination that evening if Solicitor Harris should attend the Pearl S. Buck International, Inc. UCC Appeal Hearing on January 7, 2020.

6. PLANNING:

a) Mill Ridge (Assal Lands) Subdivision Final Plan – Curley Mill Road – Mr. John VanLuvanee, representing Hallmark Homes, was in attendance along with Rich Carrol, Hallmark Homes, to present the Mill Ridge (Assal Lands) subdivision plan and requests conditional final approval because they believe they have addressed most of the issues. Mr. VanLuvanee continued to state the project is a 12-lot subdivision taking access off of Curley Mill Road with the front portion of the property (8 lots) in New Britain Township and the back portion (4 lots) in Hilltown Township and engineered as one project. It was noted, per Bob Wynn, the stormwater management has been deferred to New Britain Township. The project will be before the New Britain Township Planning Commission for approval in January 2020 and for their Board of Supervisors approval thereafter. The project is proposed to be served by Chalfont-New Britain Township Joint Sewage Authority that will require an agreement between the two Township authorities. The other inter-municipal agreement will be between the two Townships as far as road maintenance and dedication is concerned. Mr. VanLuvaneec discussed Mr. Wynn's review letter dated November 6, 2019 including the four waivers; street lay out which crosses between the Township and another municipality, lot to depth ratio, replacement trees, and the scale that the plan is drawn at. In regard to the pedestrian crossing, it was noted the Board has refrained from

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having walkways going across Township streets. In regard to a streetlight installation in the cul-de-sac turnaround, the Board stated there is a lamppost at the entrance to the road and one at each driveway, so a streetlight in the cul-de-sac is not necessary. Solicitor Harris stated, since the project still has not received approval from New Britain Township, it would be appropriate to give Preliminary plan approval so that New Britain Township would be advised the 4 lots in Hilltown has been approved along with the completion of the inter-municipal agreements. Chairman McIlhinney clarified all the lots are deed restricted and cannot be subdivided in the future. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to grant Preliminary plan approval for the Mill Ridge (Assal Lands) Subdivision contingent upon the items contained in Mr. Wynn's review letters dated November 6, 2019, December 10, 2019 and subject to the following waivers: the maintenance responsibilities associated to the roadway being resolved between Hilltown Township and New Britain Township, the waiver being granted in regard to the oversized lots, the waiver to be taken under consideration so that the applicant will identify the number, size, and type of each tree to be removed, and, at the Final Plan approval, the Township will consider whether or not a capital contribution in lieu of replacing trees will be required, no mid-block pedestrian crossing be required, and a street light not be required to be stalled within the cul-de-sac. There was no public comment.

Chairman McIlhinney noted the Rosenberger Subdivision has been withdrawn from the agenda this evening and will come back sometime in January.

b) 781 Minsi Trail Subdivision Final Plan – Steve Yates, Lynn Builders, was in attendance to present the 781 Minsi Trail Subdivision Final Plan and stated all items contained in Mr. Wynn's review letter dated November 25, 2019 will all be complied with. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to grant Final plan approval for the 781 Minsi Trail Subdivision plan contingent upon compliance with the items contained in C. Robert Wynn's review letter dated November 25, 2019. There was no public comment.

7. ENGINEERING:

a) MS4 – Pollution Reduction Plan – Chairman McIlhinney stated the MS-4 Pollution Reduction Plan has been advertised for the required 30-day public comment period with no public comment received. Motion was made by Supervisor Bennington, seconded by Supervisor Groff

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and carried unanimously to adopt the MS-4 Pollution Reduction Plan and authorize it to be sent to DEP. There was no public comment.

b) Vulcan Springs Manufacturing – Chairman McIlhinney stated the privately-owned stormwater management basin trees have been replaced and the site is complete, therefore, Mr. Wynn recommends acceptance of the maintenance period and release of the remaining escrow funds per the review letter dated December 10, 2019. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously to accept the maintenance period for Vulcan Springs Manufacturing and release the remaining escrow funds per Mr. Wynn's review letter dated December 10, 2019. There was no public comment.

8. UNFINISHED BUSINESS: None.

9. NEW BUSINESS:

a) Scott Drumbore: H&K – Request for extension of hours for the month of January of the Concrete & Asphalt Plant at the Skunk Hollow Quarry: Chairman McIlhinney 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 January 1, 2020 and January 31, 2020, excluding holidays, for the PennDOT projects per their letter dated December 11, 2019. Supervisor Bennington stated he has no animosity towards H&K, no animosity towards John Haines, but when he and George Egly approved the agreement back in 2005, it stated H&K may request temporary expanded hours of operation. His problem has always been the definition of "temporary". Supervisor Bennington stated "temporary" is not six years' worth of temporary approvals, and, in fact, in 2005, H&K agreed to close the Blooming Glen Quarry in August of 2020 which would have alleviated the noise, blasting, etc. Supervisor Bennington continued to state, again, no animosity but, for his final time, he is voting "no". Chairman McIlhinney stated in order to keep the Township out of a lawsuit, that they would most likely would lose because they signed an agreement and the fact that the state of Pennsylvania and the Turnpike Commission requires them, in order to stay in business, to actually do their work at night, motion was made by Supervisor Groff and seconded by Chairman McIlhinney, to grant the extension of hours for the month of January for the Concrete and Asphalt Plant at the Skunkhollow Quarry per their letter dated December 11, 2019 with the exception of striking the part in the letter in regard to "and/or private customers." The motion passed 2-1 with Supervisor Bennington having the opposing vote for the last time.

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b) Caleb Torrice – Health Insurance – Township Manager, Lorraine Leslie stated a written request was received from Caleb Torrice requesting inclusion in the Township's medical insurance plan beginning in January 2020. Motion was made by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously, to include Caleb Torrice, and his family, in the health insurance plan provided by the Township. There was no public comment.

10. SUPERVISOR'S COMMENTS: Supervisor Bennington stated the time he has been a Supervisor for 22 years, 5 years on the Planning Commission, and 2 years as Manager has been unbelievable. He worked with Ed Wentz, Vince Pischel, and Mary Lockhart. He served with Bob Burrage, John Murphy, John Brennan, Charlie Barkley, Ken Beer, and his very dear friend and mentor, Jack Fox. George Egly was a fantastic Police Chief, and after he retired, they never missed a beat with an outstanding police officer who is low key, smooth, runs an organized Police Department, has transitioned from an older work force to a younger work force, and never missed a beat. Tom Buzby was the Public Works Director who spent so many hours on a cot during snow storms and up at the baseball field. When he retired, they thought they would miss a beat, but Tommy Hess has done a magnificent job, which he knew he would, and the road crew has also transitioned from an older force to a younger force which, to him, is very important. They have a skeleton administrative force; Theresa, Lisa, Dave, and Marianne but they take all the flack and has to handle 17,000 residents and they do a yeoman's job. Also, Diane Telly, a fantastic Tax Collector and Kathy Watson, who supported them and never intruded in Municipal Government all those years. Steve Harris, who he has known for 6 years, is an astute lawyer, has guided him and he thanks Steve for that. Bob Wynn is a fine engineer who was already there when he came on the Planning Commission, so he has known Bob for too many years than he cares to admit. John Snyder has contributed more time to the Township as a fire fighter and fire policeman as McGruff, and, if anything was needed, he was there. Dave Christ is an outstanding Planning Commission Chairman who, hopefully one day, may be up there as a Supervisor. Supervisor Bennington continued to state his wife has supported him through all of the years, even though she hates politics. The only time she ever came out was to defeat that person he defeated the last time he ran that talked trash about him who was all wrong, but he was elected. Last but not least, Lorraine Leslie is the finest municipal financial officer he has ever seen who has given the Township balanced budgets, very few tax increases, no debt, the municipal maintenance building, the salt buildings, and he is sorry they waited so long to promote her from Finance Director to Township Manager. He continued to state he truly loved being a Supervisor, it has been his pleasure to serve the community and thank you for giving him the opportunity to do that. Supervisor Bennington stated he really appreciates all the past years and thanked his fellow Supervisors. He stated Chairman McIlhinney is misunderstood and he and Jack has had their

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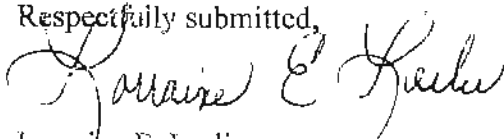
issues over the past when Jack was out in the audience and he was Chairman of the Board, but no one has a better heart for this Township, Jack feels deeply for this Township, he's misunderstood at times, and he appreciates his friendship. Jim is a growing Supervisor, a younger man and we need younger people, and thanked him for his service to the Township. Supervisor Groff thanked Supervisor Bennington for his service, and, though they haven't always agreed on things, they haven't taken it personally, and he greatly appreciates that.

11. PUBLIC COMMENT: John Snyder, 2018 Mill Road, stated he remembers Supervisor Bennington when he was young with a beard, mustache, and his hair wasn't partially gray. He has good memories as they always agreed to disagree. He thanked Supervisor Bennington for his years of service to the Township.

12. PRESS CONFERENCE: None.

13. ADJOURNMENT: Upon motion by Supervisor Bennington, seconded by Supervisor Groff and carried unanimously, the December 16, 2019 Hilltown Township Board of Supervisors meeting was adjourned at 7:37 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).