

HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
MONDAY, FEBRUARY 24, 2020

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Vice-Chairman James Groff at 7:02 PM and opened with the Pledge of Allegiance. Also in attendance were Supervisor Caleb Torrice, Township Manager Lorraine Leslie, Chief of Police Christopher Engelhart, Township Engineer C. Robert Wynn, Township Solicitor Steve Harris, and Administrative Assistant Theresa Spehar. Chairman John McIlhinney was absent.

1. ANNOUNCEMENTS: Vice-Chairman Groff announced Chairman McIlhinney is missing his first meeting in fourteen years. He had successful bypass surgery, is at home resting, and doing fine. Vice-Chairman Groff announced there were no Executive Sessions since the prior meeting.
2. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.
3. CONSENT AGENDA:
 - a) Minutes of the January 27, 2020 Board of Supervisors Meeting
 - b) Bills List – February 11, 2020
 - c) Bills List – February 25, 2020
 - d) Financial Report January 31, 2020

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. There was no public comment.

4. CONFIRMED APPOINTMENT: None.
5. LEGAL:
 - a) Wawa Development Agreement: Solicitor Harris stated the Wawa land development was split in two and the Board of Supervisors approved the plan. HRES (the owner) did a portion of the work and Wawa is required to do the work that is associated with the building. Wawa has posted the required letter of credit and Solicitor Harris requests a motion to approve the Development Agreement and authorize the signature. Motion was made by Supervisor Torrice, seconded by Vice-Chairman Groff and carried unanimously to approve the Wawa Development Agreement and authorize the signature. There was no public comment.

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b) Dublin Agway Plans & Agreements: Solicitor Harris stated Dublin Agway posted a cash escrow for the inspections and engineering cost for the project. Dublin Agway requested the plans be recorded so they could get the building permit and move materials into the building and finish the land development plans. Solicitor Harris stated there is a First Amendment to the Development Agreement where Dublin Agway will post a cash escrow as financial security for the remaining work which would allow their plans to be recorded. Motion was made by Supervisor Torrice, seconded by Vice-Chairman Groff and carried unanimously to approve the First Amendment to the Development Agreement for Dublin Agway to post a cash escrow for the remaining work and the recording of their plans. There was no public comment.

c) Britton Industries, Inc. Agreement: Solicitor Harris stated the Township attempted to have a yard waste program where only yard waste of residents was supposed to be dropped off. Although the Township had a video camera, there was violations of the rules, therefore, the yard waste program was closed. In discussions with Britton Industries in regard to their Zoning Hearing Board application, they indicated an interest in taking over the Township's yard waste program for residents of the Township and not for businesses. Britton Industries has full time supervision to accept yard waste on the first and third Saturday of each month between 7:00 AM and 1:00 PM. Plastic bags, trash, plastic twine and vegetative material co-mingled with rock, concrete or any other non-vegetative waste will not be accepted by Britton Industries. The vegetative yard waste recycling program is only open to residents of the Township. Commercial vehicles and contractors, whether or not they are residents of the Township or operate a business within the Township bringing vegetative yard waste to Britton Industries will be charged at normal tipping rates. The residents who are using the facility are required to self-unload their own vehicles. Employees of Britton Industries are not permitted to help unload vehicles. An agreement has been reviewed by both the Township and Britton Industries and has been signed by Britton Industries. Solicitor Harris stated he requests a motion to approve and authorize the signature of the Yard Waste Agreement with Britton Industries which will allow the Yard Waste Program to proceed for residents of Hilltown Township. Motion was made by Supervisor Torrice, seconded by Vice-Chairman Groff and carried unanimously to approve and authorize the signature of the Yard Waste Agreement with Britton Industries who will handle the yard waste recycling for residents of Hilltown Township. There was no public comment.

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6. PLANNING:

a) Rosenberger Subdivision (Minsi Trail): Robert Wynn stated Jason Smeland, P.E., Lenape Valley Engineering and Henry Rosenberger, applicant, were in attendance in regard to the minor subdivision on Minsi Trail. The project was reviewed by the Planning Commission on December 2, 2019 at which time they recommended final approval. Electronic copies of the plan have been provided to the Board of Supervisors along with the engineering review dated November 18, 2019 upon which the Planning Commission based their recommendation, and a copy of the minutes. Mr. Smeland discussed the Rosenberger Minor Subdivision on 2.84 acres located along the east side of Minsi Trail within the RR Zoning District and is proposed to be subdivided into two single family detached dwelling lots with access along Minsi Trail. The lots are proposed to be served by public water and public sewer facilities owned by Hilltown Township Water and Sewer Authority. Mr. Smeland highlighted several items from Mr. Wynn's review letter dated November 18, 2019 including the separate driveways for each lot and the removal of the embankment to establish a clear sight distance in order to apply for a PennDOT permit. Mr. Smeland continued to discuss the tree replacement/protection ordinance. The applicant will be taking out a number of large trees in order to remove the embankment and they need to be replaced. The applicant plans on putting street trees along the frontage of the property and planting the rest of the trees on the adjoining property which is owned by the applicant. Mr. Smeland stated they will be coming up with a tree planting plan primarily along Morris Run which cuts through the middle of the parcel. The ordinance allows some flexibility with the size of trees and he will work out the details with Mr. Wynn which will become a condition of the approval. Mr. Smeland continued to state there is a lot of dead Ash trees that need to be removed on the property. Mr. Smeland stated everything is a will comply in Mr. Wynn's review letter and discussed the following waivers:

- Waiver for Streets, Street Standards, Curbs and Sidewalks – Mr. Smeland requested granting the waiver without the applicant paying the additional fee-in-lieu of improvements. Mr. Smeland continued to state the project is on a PennDOT road and not a Township road along with the project being a minor subdivision. He continued to state Mr. Rosenberger has been working on preserving open space for the Township with nearly 500 acres in the Township that has been preserved.
- Waiver for providing existing features within 100 feet – Mr. Smeland stated he provided an aerial photo in lieu of the requirement.
- Deferral of the Erosion and Sedimentation Control and Stormwater Management – Mr. Smeland stated the E&R plan will go hand in hand with the Stormwater Management plan and would like to put that responsibility onto the builder.

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- Non-perpendicular bend between lots – Mr. Smeland stated this would be difficult to maintain by the future lot owners.

Mr. Wynn reviewed the Planning Commission comments regarding the waivers stating they supported the tree planting on the opposite parcel, they agreed to the deferral of the E&R and Stormwater Management provided there is a restrictive covenant noting, however, the applicant will need an E&R plan for the embankment, and, deferred the road improvement waiver to the Board of Supervisors. Mr. Wynn stated there will be a sight distance easement at the embankment so the land will stay open. Solicitor Harris stated the easement has already been drafted and submitted for review. Mr. Smeland clarified the swale has not been designed and the embankment still has to be reviewed by PennDOT along with Mr. Wynn.

Motion was made by Supervisor Torrice, seconded by Vice-Chairman Groff and carried unanimously to approve the waiver for Streets, Street Standards, Curbs and Sidewalks for the Rosenberger Subdivision with no fee-in-lieu of required. There was no public comment.

Motion was made by Supervisor Torrice, seconded by Vice-Chairman Groff and carried unanimously to approve the waiver for providing existing features within 100 feet by providing an aerial photo in lieu of the requirement for the Rosenberger Subdivision. There was no public comment.

Motion was made by Supervisor Torrice, seconded by Vice-Chairman Groff and carried unanimously to approve the deferral of the Erosion and Sedimentation Control Plan and Stormwater Management to the building permit stage conditioned upon the applicant executing a Declaration of Restrictions and Covenants for the Rosenberger Subdivision. There was no public comment.

Motion was made by Supervisor Torrice, seconded by Vice-Chairman Groff and carried unanimously to approve the waiver to permit a non-perpendicular bend in the lot line between Lot 1 & Lot 2 for the Rosenberger Subdivision. There was no public comment.

Motion was made by Supervisor Torrice, seconded by Vice-Chairman Groff and carried unanimously to grant Final Plan approval for the Rosenberger Minor Subdivision contingent upon the items contained in Mr. Wynn's engineering review letter dated November 18, 2019 as well as the revisions by the Board of Supervisors with respect to the waivers. There was no public comment.

7. ENGINEERING: None.
8. UNFINISHED BUSINESS: None.

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9. NEW BUSINESS:

a) Scott Drumbore – H&K – Requesting for extension of hours for March for the Concrete and Asphalt Plant at the Skunkhollow Quarry: Vice-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 March 1, 2020 and March 31, 2020, excluding holidays, for the PennDOT projects per their letter dated February 17, 2020. Supervisor Torrice stated he could never understand the logic behind two supervisors voting yes to the extended hours and one supervisor voting against the extended hours. He continued to state it is a horrible agreement between H&K and the Township and their hands are tied as to extending the hours. If the Township does not extend the hours, H&K could sue the Township and the Township would lose because of the poor agreement. Supervisor Torrice stated there may be something that could be done down the road; perhaps a buffer of some sort for noise and something that could accommodate the residents. Motion was made by Supervisor Torrice, seconded by Vice-Chairman Groff and carried unanimously, to grant the extension of hours for the month of March for the Concrete and Asphalt Plant at the Skunkhollow Quarry per their letter dated February 17, 2020 with the exception of striking the part in the letter in regard to "and/or private customers."

Public Comment: Rick Tempestini, 229 Winterberry Lane, questioned the extension of the hours by the month. Solicitor Harris stated Section 10.2 states "H&K may request temporary expanded hours of operation because of unusual bid/contract requirements, such request to be made to the Board of Supervisors of Hilltown Township, which Supervisors shall not unreasonably withhold such permission. Such permission shall be unreasonably withheld if the refusal of permission is without a sound basis, based upon legally competent evidence, that such operation will result in significant harm to the health, safety and welfare of the citizens of the Township. The Supervisors shall promptly". Solicitor Harris stated, in this day and age, so much of the public (not private) contracting is work being done at night to minimize the impact on the traveling public during the day. Mr. Tempestini questioned Section 10.1 that states the hours clearly and noted this extension is the 68th time since April 2014 so what is the point of the agreement as a whole and did, they ever threaten to sue the Township. Supervisor Torrice stated the Township has a letter from the H&K attorney, to Solicitor Harris's attention, basically saying if the Township does not give the extended hours, they will sue the Township. Vice-Chairman Groff stated the issue is the definition of "temporary" as they are not running 24/7 throughout the month . . . not even close. They did not ask for extended hours for the month of January. Vice Chairman Groff continued to state, normally, they run extended hours 6-8 days out of a month and not 24/7, thirty (30) days in a row. Mr. Tempestini stated last July was bad and the hours had to be more than that and asked

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for H&K's schedule. Vice-Chairman Groff stated H&K does not know ahead of time down to the hour. They will provide the hours to the Township at the end of the month with the days and times. Solicitor Harris stated it is worth it to ask H&K if they can provide the schedule ahead of time. Solicitor Harris stated there is not a termination date of the agreement.

b) Authorization to bid Paving Projects: Ms. Lorraine Leslie stated Long Leaf Drive, Victoria Lane, Timber Court, and Hampshire Drive are proposed to have Ultra-Thin Friction Course (Nova Chip). Cherry Road, Clearview Road, Sunny Drive, and Cherry Lane are proposed for Oil & Chip. Mill Road and Meadow Road are proposed for milling and paving. Motion was made by Supervisor Torrice, seconded by Vice-Chairman Groff and carried unanimously for authorization to bid the paving projects for Long Leaf Drive, Victoria Lane, Timber Court Hampshire Drive, Cherry Road, Clearview Road, Sunny Drive, Cherry Lane, Mill Road, and Meadow Road. There was no public comment.

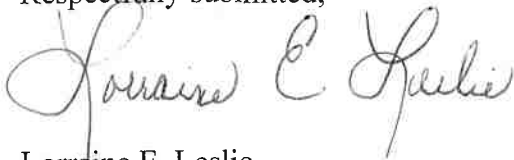
10. SUPERVISOR'S COMMENTS: Supervisor Torrice stated, in regard to the vacancy on the Planning Commission, he spoke to all three applicants, they are all awesome and one can be appointed to the Planning Commission at the next meeting. He will provide the information to Vice-Chairman Groff and to Lorraine Leslie to forward to Chairman McIlhinney.

11. PUBLIC COMMENT: Randy Ziegler, 839 Callowhill Road, questioned the location of the yard waste facility. Solicitor Harris stated the address is 4108 Bethlehem Pike and it will take effect sometime toward the end of March.

12. PRESS CONFERENCE: None.

13. ADJOURNMENT: Upon motion by Supervisor Torrice, seconded by Vice-Chairman Groff and carried unanimously, the February 24, 2020 Hilltown Township Board of Supervisors meeting was adjourned at 7:42 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).