

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARY SCHEDULED MEETING
MONDAY, OCTOBER 26, 2015**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairman John B. McIlhinney at 7:05 PM and opened with the Pledge of Allegiance. Also in attendance were Vice-Chairman Kenneth Bennington, Supervisor James Groff, Township Manager Richard Schnaedter, Township Solicitor Steve Harris, and Township Engineer C. Robert Wynn.

Chairman McIlhinney asked for a moment of silence to be observed for Planning Commission member Joe Marino who passed away this month.

1. **ANNOUNCEMENTS:** Chairman McIlhinney stated there has not been an executive session since the last meeting.
2. **PUBLIC COMMENT ON AGENDA ITEMS ONLY:** None.
3. **CONSENT AGENDA:**
 - a) Minutes of the September 28, 2015 Board of Supervisor’s Meeting
 - b) Minutes of the October 12, 2015 BOS Budget Work session Meeting
 - c) Financial Report for September 2015
 - d) Bills List September 26, 2015 – October 9, 2015
 - e) Bills List October 14, 2015 – October 23, 2015

Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously to accept and approve items a) through e) on the Consent Agenda. There was no public comment.

4. **CONFIRMED APPOINTMENTS:** None.
5. **LEGAL: Solicitor’s Report** – Solicitor Harris stated there are two zoning hearings coming up on November 19, 2015. One is for DWW Properties located at 10 Route 313, and the other is for Mr. Salamone located at 353 Bethlehem Pike. The Board of Supervisors stated they do not wish for Solicitor Harris to attend the zoning hearings on their behalf. Solicitor Harris stated he has an amendment to the Financial Security Agreement for the Reserve at Hilltown correcting the amount of money that is to be posted for the financial security. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously to authorize the execution of the revised Financial Security Agreement for the Reserve at Hilltown. There was no public comment.

6. PLANNING:

a) Nova Network Land Development (Preliminary/Final) – Mr. Wynn stated, at their September meeting, the Planning Commission recommended both preliminary and final plan approval for the 9,000 SF retail store located at Broad Street and Route 313. In addition to the engineering review dated August 24, 2015, a traffic study review by Andy Heinrich was received. Solicitor Michael Klimpl, Nova Network of Victim Assistance, gave a brief overview of the proposed thrift shop located at Broad Street and Route 313. Jason Smeland, Lenape Valley Engineering, discussed the proposed 9,000 SF retail store with an access out to Broad Street. The traffic configuration internally will be two-way traffic and be able to circulate the whole building. A variance was received in January to permit the use of on-lot water and a sewage holding tank. Discussions with the planning commission included: there are 78 parking spaces and the parking spaces in the rear of the property will be built but not striped until they are needed, revisions that were made to the curbing at the access out onto Broad Street, and replacement trees will be placed in the stormwater areas and a few along the back property line. Several of the mature trees at the intersection of Broad Street and Route 313 will be left in place. In regards to sewage, another similar type of office use was figured consisting of low flows in the calculation in case another use is added in the future. Mr. Smeland stated E&S approval has been received from the Conservation District and NPDES approval will be received shortly. The plans have been submitted to PennDot and the storm sewer pipe will be installed in the right of way. Mr. Smeland discussed the requested waivers consisting of curbs and sidewalks along both roads, showing existing features within 100 feet, internal curbing, stormwater management ordinances as they relate to the detention basins, and to allow parking within 20 feet of the building. Mr. Smeland stated they made a number of attempts to contact the Dublin Fire Department early in the planning phase. In May, a letter was sent along with a plan with a delivery confirmation but a response was not received. Their thought is the fire department does not have a strong opinion. Supervisor Bennington stated he would like Mr. Smeland to contact the fire department again and Mr. Smeland agreed. Chairman McIlhinney had the following questions: 1. the preliminary plan was before the Planning Commission in June, in August for preliminary plan review, and then on September 21st for preliminary plan review, and then a letter was received from Mr. Wynn's office stating the Planning Commission recommended preliminary/final plan approval and questioned how they received preliminary/final recommendation when they were on the agenda for only preliminary recommendation. Mr. Wynn stated the application was a preliminary plan submission, and at that point, the Planning

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Commission felt the planning issues were resolved and they didn't need to see it again so they granted both preliminary and final plan recommendation.

2. In Mr. Wynn's letter dated October 22, 2015, there are items that need to be discussed such as a potential future tenant, the number of employees, sewage disposal, and property taxes. Chairman McIlhinney stated he knows the organization is non-profit but they are acting as a retail customer and are they intending, as the owner of the property, to pay real estate taxes to the Township, to the County, to the School District. Solicitor Klimpl stated they have not yet made that final determination. With the current assessment, the Township's portion is just a few hundred dollars and the school's piece is \$4800. The detriment to Nova in regards to the school taxes is high. Solicitor Klimpl stated if Nova owns the real estate and they are using the money from the sale of items from the thrift shop to go exclusively back to the organization for charitable purposes, then that may qualify for an exemption. Chairman McIlhinney stated they are in competition with other people that sell retail products in the Township who do pay taxes and they are using it to get money to do some charitable work, which is fine, but it's their decision to spend the money doing charitable work. They are in competition in retail trade on this property. If they are not going to pay taxes, it would be assumed that they are getting the benefit of the tax exempt status in terms of moneys from the County, State, and Federal Government; all at the detriment of the people of Hilltown Township. Services will be asked of Hilltown Township for the road to be plowed and police protection. Nothing was represented to the Board and, now a year later, final approval is being requested and an answer still has not been given. Solicitor Klimpl stated it still has to be discussed with the Nova Board and it is still a legal question. Attorney Harris stated he does not know the answer if it is exempt or not and Solicitor Klimpl needs to find that out because it may or may not be an issue.

3. On the plan, it is indicated that the traffic is going to come out onto Broad Street which is a problem street already for making a left hand turn on to Route 313. Why was the entrance selected to go out onto Broad Street when everybody knows there is a failing situation at this area and not bring the entrance off of Route 313 at the far end of the property? Mr. Smeland stated they try and bring their accesses out onto the road of lower classification. Jeff L'Amoreaux, L'Amoreaux Engineering LLC, stated he wrote a traffic impact study in which Mr. Heinrich reviewed. It would make sense to minimize the number of driveways on a roadway like Route 313 because of the number of conflicts that would be introduced between lower and higher speed traffic. Traffic does come out onto to Route 313 at the lower section where the

store is today but that is an older property and has been there for quite some time. They try and take traffic from arterial roadways like Route 313 to collector roadways like Broad Street to local uses like the one that is proposed in that kind of order. Chairman McIlhinney stated every other building that it is not on a corner property comes out onto Route 313. In regards to the traffic report and Mr. Heinrich's review, they are both indicating that since the hours are from 10:00 am to 5:00 pm, and not during any peak problems, there wouldn't be any problem coming off of Route 313 because there will not be any business during peak hours. So why couldn't the entrance be off of Route 313? Mr. L'Amoreaux stated he didn't see why they couldn't but, the fact is, that is how the plan is designed. Chairman McIlhinney stated if the hours are 10:00 am to 5:00 pm and there is no conflict, then the entrance can be off of Route 313 and save the residents of the Township a whole of aggravation by having extra people at the stop sign at Broad Street trying to make a left hand turn. Mr. L'Amoreaux stated it goes against his training as a traffic engineer to go from the arterial to collector roadway to the local use and not go directly to Route 313 when there is a chance to do it. Obviously if there is not a corner, there is no choice. Chairman McIlhinney stated he does not see that problem happening at other businesses along Route 313, so why because it is at the corner at Broad Street, where there is a problem with a lot of traffic that comes down Broad Street, why would they try to add traffic there when the other businesses along Route 313 seem to be perfectly well. Mr. L'Amoreaux stated the frontage of the site is in the inside of a curve and if a driveway is put onto a roadway such as Route 313, you try to avoid doing it on the inside of a curve because it makes it harder to see oncoming traffic. Chairman McIlhinney stated Broad Street is in the inside of a curve also and now that the landscaping is going to be cleaned up, you can at least see further then currently so that is not a good argument. Chairman McIlhinney stated if the entrance is put at the furthest location of the property, it would be at the area of Apple Butter Road and the applicant may be able to get the State to approve a traffic light there. Mr. L'Amoreaux stated his report is due to the very low amount of traffic that is anticipated from this use in that he does not know how much of a difference it would really make. Chairman McIlhinney stated it cannot be assumed that there will not be a lot of traffic. There will probably be twenty or thirty cars in and out all day. Chairman McIlhinney stated his opinion is the different location then the exit that is being taken would have been appropriate. Supervisor Bennington stated no one likes the intersection of Broad Street but the hours of operation are 10:00 am to 5:00 pm and the main amount of traffic during rush hour going to Doylestown is before 10:00 in the morning, so the number of cars going to or out of this location is between the hours when people have already gone to work or will be coming back to work when people are leaving the operation at 5:00 pm. Supervisor

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Bennington stated he does not see where the great buildup of traffic is going to occur. Chairman McIlhinney stated the hours that are being stated are their hours now; it doesn't mean they are going to stay that way. Also, if they decide they are going to rent it out or sell it to a different user, their hours are not going to necessarily be 10:00 am to 5:00 pm. Most businesses start at 8:00 in the morning and end at 9:00 at night. Supervisor Bennington stated he thought they were basing their decision on the current person applying for this operation as opposed to what may or may not occur. Chairman McIlhinney stated if they decide to sell the property, and the next tenant moves in, the next tenant will not keep the same hours. Solicitor Harris stated if there was a condition, it would be on the use of the building not on the occupant. Mr. Smeland stated if the use ever changed, the traffic study would have to be re-analyzed to find out what the impact would be and stated it never came up with the Planning Commission as far as looking at access out to Route 313. Chairman McIlhinney stated the access out to Route 313 was brought up a year ago at a Board meeting. Supervisor Bennington asked about the weekend hours. Mr. Smeland stated the weekend hours are 10:00 am to 5:00 pm on Saturday and 12:00 pm to 5:00 pm on Sunday.

4. Chairman McIlhinney stated, a year ago, it was said that there are up to 30 or 35 employees. Mr. Smeland stated that would be the total of employees that work for Nova, but on site, at any one time, there are approximately five employees.

5. Chairman McIlhinney, referencing Mr. Wynn's review letter dated August 24, 2015, stated why didn't they go beyond the 50' on the existing features plan. Mr. Smeland stated it is a typical waiver and they picked up the data that they thought was important and used an aerial photo to show the other items. Chairman McIlhinney stated a few years ago in this general area, all sorts of pipes and things were found that they couldn't account for, and since they know the history of this area, perhaps there should be a detailed look at it. Mr. Wynn stated he looked at the site and there is nothing hidden.

6. Chairman McIlhinney questioned the two large trees, a maple and a poplar, and if they were going to be coming down. Mr. Wynn stated they initially were going to be coming down but now they will be saved.

7. Chairman McIlhinney questioned the two 1,000 gallon tanks which is a change from the letter where it was talking about 800 gallon per day. Mr. Smeland stated the way it works is that, in order to qualify for the holding tank permit, you cannot exceed 800 gallons per day without going through a specialized planning process. The first step is to verify that you are under the 800 gallons per day. The gallons were 600 gallons and the size should be at least three times the peak use available for storage. They don't make a 1,800 gallon tank so it is two 1,000 gallon

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tanks. Mr. Smeland stated they will sign a maintenance agreement along with a contract with a company to pump and haul it away. Supervisor Bennington questioned the circular path internal to the construction that goes 24 feet on all three sides between the parking spots on both sides and 26 feet in the front, and is there enough room to get two trucks through the 24 feet. Mr. Wynn said there is enough room and the 24 feet between parking aisles and 26 feet at the entrance is the ordinance requirements. Supervisor Bennington questioned the impervious surface. Mr. Wynn stated they are at half of what is permitted. Supervisor Bennington stated he wants Dublin Fire Company to review the plan. Mr. Smeland stated he will get the plan to Dublin Fire Company. Mr. Smeland also stated the difficulty of putting in a left hand turn lane because of the configuration and the site distance could be blocked with two people at the intersection at the same time. Chairman McIlhinney stated one thing that could be done as a benefit would be to make sure there is a street light on the corner to help with the oncoming traffic and the fog. Mr. Smeland said that would be definitely an improvement and they can look at it and incorporate a street light there. Supervisor Groff questioned if the stormwater sheeting is common. Mr. Wynn stated it is becoming more and more common and DEP is pushing it. Mr. Wynn stated if the Board is going to consider the plan for action in a positive manner, since there is the desire to have Dublin Fire Company review the plan, he suggested a preliminary approval and hold out if any revisions may need to be made to the plan. Chairman McIlhinney stated he has other questions that still need to be answered from their board anyway, and he is not so inclined to do an approval this evening. Mr. Smeland stated it would be helpful to get some level of approval. Mr. Wynn stated from a time stand point, it wouldn't slow down the project at all because they are still working with PennDot and DEP, so as far as the process to getting to the end, it won't affect them at all. Solicitor Harris stated to give an extension until December 20, 2015.

b) Envision Land Use Planning Modules – Mr. Wynn stated the Board previously approved the Envision Land Use Planning Modules on July 27, 2015. DEP reviewed them and stated there was a high probability of archaeological sites that required a public notice which was done on September 5, 2015, and therefore, another resolution has to be approved and be sent to DEP. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously to execute Resolution 2015-14 for Plan Revision for New Land Development for the Envision Land Use Planning Modules. There was no public comment.

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7. ENGINEERING:

a) Convey the ROW at Route 113 & Route 313 to PennDOT – Mr. Wynn stated the ROW at Route 113 and Route 313 needs to be conveyed to PennDOT so street improvements can be made at the intersection in conjunction with the Weiss Market development across the street. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously for the Township Manager to execute the Weiss Market Deed of Dedication M950 Form and send it back to PennDot so it can be recorded and the area conveyed. There was no public comment.

b) Regulations for Vehicles and Traffic Amendment – Mr. Wynn stated he reviewed the regulations for vehicles and traffic and discovered, since 2008, the newer developments have not been included in the ordinances for no parking signage, stop signs, and speed limits. He would like the Board's authorization to prepare an ordinance amendment and also to allow parking on 28 feet wide curbed streets in developments on one side only as long as there is not at least two inches of snow on the ground. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously, to authorize Mr. Wynn to draft an updated ordinance in regards to vehicles and traffic regulations. There was no public comment. Chairman McIlhinney stated Solicitor Harris will send the bamboo ordinance to Mr. Wynn to review before the next meeting.

8. UNFINISHED BUSINESS: None.

9. NEW BUSINESS:

a) Public Works seeking approval for purchase of leaf box container -- Township Manager Richard Schnaedter stated Tom Buzhy is seeking approval to purchase an additional leaf box container, through Co-Stars in the amount of \$5,900.00, to enhance the ability to get the leaves picked up in a more expeditious manner before snow fall. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously to approve the Public Works Department to purchase a leaf box container in the amount of \$5,900.00. There was no public comment.

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10. SUPERVISOR'S COMMENTS: None.

11. PUBLIC COMMENT:

a) Wally Rosenthal requested the Board of Supervisors authorize a staff meeting to review some drawings for the Hilltown Promenade. Motion was made by Supervisor Bennington, seconded by Supervisor Groff, and carried unanimously, to authorize a staff meeting with Wally Rosenthal for the Hilltown Promenade. There was no public comment.

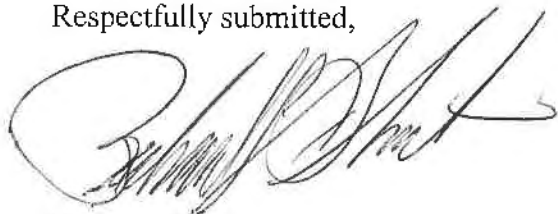
b) Supervisor Bennington asked Jerry Guretse to please contact Phil Myers to let him know that he needs to get back to Nova in regards to the plans.

c) Dan Insogna, Diamond Street, asked for permission to hunt on Hilltown Township property. Chairman McIlhinney stated they do not promote hunting on public lands unless there are certain provisions where lands were purchased and the owner of the land, as part of the sale, retains the right to hunt for so many years. Chairman McIlhinney stated they cannot give permission to hunt but there is not an ordinance that prohibits hunting.

12. PRESS CONFERENCE: No members of the press were present.

13. ADJOURNMENT: Upon motion by Supervisor Groff, seconded by Supervisor Bennington, and carried unanimously, the October 26, 2015 Hilltown Township Board of Supervisors Meeting was adjourned at 8:23 PM.

Respectfully submitted,



Richard C. Schnaedter
Township Manager/Secretary

(*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).