

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS
REGULARLY SCHEDULED MEETING
Monday, October 22, 2012**

The regularly scheduled meeting of the Hilltown Township Board of Supervisors was called to order by Chairperson Barbara A. Salvadore at 7:04PM and opened with the Pledge of Allegiance.

Also present: John B. McIlhinney, Vice-Chairman
James C. Groff, Supervisor
Richard C. Schnaedter, Township Manager
Christopher E. Engelhart, Chief of Police
Francis X. Grabowski, Township Solicitor
C. Robert Wynn, Township Engineer
Lynda S. Seimes, Township Secretary

A. ANNOUNCEMENTS:

1) The Board met in Executive Session following the last meeting to discuss legal issues, and will also meet in Executive Session following this meeting to discuss legal issues.

2) The Township administrative office will be closed on Tuesday, November 6, 2012 for Election Day.

B. PUBLIC COMMENT ON AGENDA ITEMS ONLY: None.

C. CONSENT AGENDA:

- Minutes of the October 8, 2012 Supervisor's Meeting.
- Bills List dated October 23, 2012.
- Notification of Request for Sketch Plan/Staff Meeting – Hilltown TND for property at Rt. 113/Telegraph Road.

Motion was made by Supervisor McIlhinney, and seconded by Supervisor Groff to accept and approve the Consent Agenda Items as noted above. Prior to a vote, Supervisor McIlhinney questioned the identity of the applicant requesting the staff meeting. Mr. Schnaedter advised that Mr. Bob Bender was representing the applicant, and that Mr. Robb Gundlach was the attorney for the applicant, but that no further information was available.

Original motion carried unanimously. There was no public comment.

D. CERTIFICATION PRESENTATION:

1) Mr. Harry Crohe, Bucks County Emergency Management Basic Certification Presentation – On behalf of the Bucks County Commissioners and Emergency Management, Mr. Crohe presented Mr. Thomas Loudon, Hilltown's Deputy Emergency Management Coordinator,

with the Basic Certification for Emergency Management, and encouraged Mr. Loudon to continue through the three levels of certification. The Supervisors thanked Mr. Loudon for his dedication and his willingness to serve as Hilltown Township's Deputy Coordinator.

E. CONFIRMED APPOINTMENTS:

1) Mr. Scott Drumbore – Draft proposal for Addendum to the Existing 2005 Haines & Kibblehouse Quarry Agreement – Mr. Drumbore, engineering division, was present along with Mr. John Haines, owner, and Mr. Joseph Laflame, legal counsel, to present a draft Addendum to the existing 2005 Quarry Agreement.

On Aug. 25, 2005, Hilltown and H&K entered into an Agreement with regard to mining operations at both the Skunkhollow Road and the Blooming Glen Quarry sites, however the proposed Agreement Addendum is specific to the Blooming Glen Quarry site only. As a result of the economic downturn across the country, particularly in the materials and construction industry, production has sharply declined and projections for the future reveal that the available reserves at the Blooming Glen Quarry will not be exhausted by the 2020 deadline. Therefore, the applicant is seeking the following amendments to the 2005 Agreement:

- a) Duration of Mining – Blasting, crushing and other processing of stone will be extended at the Blooming Glen Quarry from its scheduled termination date of August 2020 to December 31, 2045. This additional time will allow the available reserves to be depleted at Blooming Glen Quarry without amendment to the current operation (i.e. increased trucks)

Supervisor Groff assumes that if the duration of mining is not extended, there will be increased truck traffic at this quarry location since the applicant will be stockpiling the material in order to capitalize on the available reserves prior to the August 2020 termination date. Mr. Laflame agreed that was the likely scenario.

Chairperson Salvadore asked what would occur should the reserves be depleted prior to the duration deadline. Mr. Drumbore replied that the applicant would be required to immediately begin the reclamation process.

Supervisor McIlhinney inquired about the number of employees at Blooming Glen Quarry. Mr. Drumbore replied that there are approximately 7 individuals employed at that location.

- b) Quarry Fee – Currently H&K pays the Township \$0.10/ton of stone mined and sold from the Blooming Glen Quarry. H&K proposes to increase the fee to the Township from \$0.10/ton to \$0.35/ton for 1B and 2B stone mined and sold from the Blooming Glen Quarry. This tonnage will include all Blooming Glen Quarry 1B and 2B used for making concrete and asphalt at any H&K sites. Based upon

past production for these materials, this increase would equate to an increase to the annual Quarry Fee of approximately \$40,000.00.

Supervisor McIlhinney expressed concern that the increased Quarry Fee is only being offered for 1B and 2B stone, rather than all stone types and grades from the BG Quarry. Very lengthy discussion occurred with Mr. Haines.

- c) Material Discount to Township – Currently, H&K provides the Township a 5% discount on stone, sand, asphalt and concrete purchased. As of January 1, 2013, H&K proposes to increase said discount to 10%.
- d) Annual Quarry Fee Cap – Currently the Quarry Fee is calculated annually (ie March 15th) for the preceding year, paid within 45 days upon a mutually agreed upon amount and there is no minimum annual quarry fee. Commencing on January 1, 2013, the annual minimum Quarry Fee is proposed to be \$100,000.00 for any given calendar year. The Quarry Fee will be paid in quarterly payments of \$25,000.00 on January 15, April 15, July 15, and October 15.

Supervisor McIlhinney asked how the quarry fee is presently calculated for Blooming Glen Quarry and how the quarry fee is presently calculated for the Skunkhollow Quarry location. Mr. Drumbore did not know, but offered to provide that figure to the Board of Supervisors in the near future.

- e) Rt. 152/Hilltown Pike Intersection – H&K will provide the cost of the traffic signal and related road improvements and arrange, pending contractor availability, to have said improvements completed in accordance with the December 7, 2012 permit expiration date.

Mr. Drumbore noted that progress continues and the contractor, Armor and Sons, hopes to take possession of the necessary materials sometime next week.

- f) Water Impoundment/Recreation Lake – The current Agreement stipulates that the Blooming Glen Quarry would be reclaimed with the importation of clean fill until such time approximately original grades were established. H&K proposes to amend this reclamation plan to provide a water impoundment/recreation lake to cover an approximate area of 10 acres with an approximate average depth of 30 ft. subject to variable water table and static water conditions. H&K will construct a boat ramp, rough grading around the perimeter of the lake to support future recreation uses, a fishing pier and shall provide a paved parking area to accommodate 30 motor vehicles with paved access driveway connecting the parking area to the Township's Forest Road Park property. In addition, an 8 ft. wide loop walking trail will be rough-graded, stoned, and paved.

- g) Dispute Committee – The current Agreement stipulates that resolution by the Dispute Committee shall require unanimous consent and approval by all members of that particular Dispute Committee. H&K proposes to change the “unanimous” consent to “majority” consent.

After discussion of the above, Chairperson Salvadore stated that the Board of Supervisors will consider the applicant’s proposal, with a decision to be made in the near future.

F. SOLICITOR’S REPORT – Mr. Francis X. Grabowski, Township Solicitor-

1) Hassan Project – Agreement for substitution of William Penn Bank as Escrow Agent – Motion was made by Supervisor McIlhinney, seconded by Supervisor Groff, and carried unanimously to accept the Substitution Agreement of William Penn Bank as the escrow agent for the Hassan Project (former Traynor Subdivision). There was no public comment.

G. PLANNING – Mr. C. Robert Wynn, Township Engineer-

1) Proposed Zoning Ordinance Amendment – Prisons – Mr. Wynn’s correspondence dated October 5, 2012 and a draft Zoning Ordinance amendment addressing the concern of Mr. Taylor, Zoning Officer, which introduces the proposed Use C-6, Correctional Facility, was discussed. The Township received a BCPC review dated October 3, 2012 of the previous draft Zoning Ordinance which also amended Use A-2 Nursery and included revisions to address Fair Housing Act concerns raised by the Bucks County Planning Commission. The BCPC recommended additional revisions not previously addressed in the analysis of impediments to the Fair Housing Act regarding mobile homes and the treatment of mobile homes as single family detached dwellings. Lengthy discussion occurred, and the Board provided Mr. Wynn with a few corrections to be incorporated into the consolidated Zoning Ordinance amendment.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Groff, and carried unanimously to authorize Mr. Wynn to consolidate the two Zoning Ordinance amendments into one, and to add the revisions as recommended this evening and as recommended by the Bucks County Planning Commission, and then to forward the consolidated amendment for additional review by the Hilltown and Bucks County Planning Commissions. There was no public comment.

2) Proposed SALDO Amendment – Record Plans, Notification, etc. – Mr. Wynn prepared a revised draft Subdivision/Land Development Ordinance addressing the comments of the Board of Supervisors at their Sept. 26, 2012 meeting.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Groff, and carried unanimously to forward the revised draft SALDO Amendment regarding Record Plans,

Notifications, etc., incorporating the comments of the Board at their 9/26/12 meeting, to the Hilltown and Bucks County Planning Commission for review. There was no public comment.

H. ENGINEERING – Mr. C. Robert Wynn, Township Engineer –

1) Mill Road Bridge Consultant Selection Advertisement – PennDot has approved the advertisement and has directed the Township to advertise in two local newspapers for the selection of a consultant for Mill Road Bridge during construction activities. The advertisement would require statements of qualifications to be received by December 3, 2012.

Motion was made by Supervisor McIlhinney, seconded by Supervisor Groff, and carried unanimously to authorize advertisement of the Mill Road Bridge Consultant Selection. There was no public comment.

2) Discussion of possible barn demolition at Beyer Property -- If the Board is interested in pursuing the demolition of the barn on the Beyer property, Mr. Wynn knows of an individual, Mr. Chris Hess, who would be willing to remove the barn in exchange for salvaging the beams for resale (for which he presently has a buyer), and he would then haul away the siding, metal roof, etc. at no cost to the Township. Supervisor Groff was pleased with this proposal and would support the barn demolition. Discussion took place.

Supervisor McIlhinney recalls that Mr. Wynn's initial report on the barn stated that it was a sound, salvageable structure which could possibly be used for equipment storage. Chairperson Salvadorc spoke with Mr. Buzby, Director of Public Works, who believes that erecting a pole barn for additional equipment storage, if and when needed, would be more cost effective than restoring and renovating the barn structure. Supervisor Groff reminded the Board that Mr. Hess presently has a buyer for the beams and waiting too long to make a decision could result in Mr. Hess no longer being interested the proposal. Mr. Wynn was directed to prepare a cost analysis of restoring the barn versus constructing a pole barn of the same square footage.

3) The Township received Notice to Proceed from the Bucks County Department of Community Development for the Block Grant Project of drainage improvements/road reconstruction of Conestoga Way in the amount of \$91,000.00.

I. NEW BUSINESS:

1) Request from H&K Quarry for extension of hours of operation for month of November 2012 – Motion was made by Supervisor McIlhinney, seconded by Supervisor Groff, and carried unanimously to authorize the extension of hours of operation of the H&K Quarry for the month of November 2012. There was no public comment.

J. SUPERVISOR'S COMMENTS: None.

K. PUBLIC COMMENT: None.

L. PRESS CONFERENCE: No members of the press were in attendance.

M. ADJOURNMENT: Upon motion by Supervisor Groff, seconded by Supervisor McIlhinney, and carried unanimously, the October 22, 2012 Hilltown Township Board of Supervisors meeting was adjourned at 8:06PM.

Respectfully submitted,



Lynda Seimes
Township Secretary

(*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).