

1025

**HILLTOWN TOWNSHIP BOARD OF SUPERVISORS  
REGULARLY SCHEDULED WORKSESSION MEETING  
Monday, September 13, 1993  
7:30PM**

The Worksession meeting of the Hilltown Township Board of Supervisors was called to order by Chairman William H. Bennett, Jr. at 7:33PM and opened with the Pledge of Allegiance.

Also present were: Kenneth B. Bennington, Vice-Chairman  
Jack C. Fox, Supervisor  
Bruce G. Horrocks, Township Manager  
Thomas A. Buzby, Director of Public Works  
George C. Egly, Chief of Police  
Eric D. Applegate, Code Enforcement Officer  
John Friel, Zoning Officer

Chairman Bennett announced the regular meeting will be adjourned at 8:00PM in order to conduct an advertised Public Hearing to discuss the possible modification of the H & K Quarry Agreement and to hear public opinion of the possible relocation of the concrete batching plant from the Blooming Glen quarry site to the Skunk Hollow quarry site.

A. MANAGER'S REPORT - Mr. Bruce G. Horrocks, Township Manager -

1. Mr. Horrocks presented Resolution #93-39, establishing rules and regulations for the formation of a Fire Prevention Bureau of Hilltown Township. If the Board chooses to adopt this Resolution, Supervisor Bennington advised the existing Fire Commission must be abolished.

Motion was made by Supervisor Fox to disband the current Fire Commission. Supervisor Bennington seconded that motion on the basis that the Board of Supervisors would prefer a more professional type of situation be taken up by the new Fire Prevention Bureau, which will be composed of the fire chiefs of the seven fire companies in Hilltown Township. Motion passed unanimously.

Motion was made by Supervisor Fox, seconded by Supervisor Bennington, and carried unanimously to adopt **Resolution #93-39 to establish the Fire Prevention Bureau, consisting of the seven fire chiefs and the Township Manager.**

2. A request has been received from Viking Associates, who are the operators of the Hilltown Industrial Park. The Pennsylvania State Police has expressed interest in utilizing a vacant warehouse at the industrial park to conduct their Christmas gift program which is similar to the "Toys for Tots" program. Viking Associates has requested authorization for the Pennsylvania State Police to utilize one of their warehouse buildings. There are no modifications to the building intended. If any inspections or permits are required, Viking Associates is requesting a waiver

of those requirements. This is strictly a temporary usage until mid-January, 1994. As long as there is no new construction on the site, Mr. Horrocks is not sure that a retrofit inspection will be required. Chairman Bennett is not adverse to waiving fees, however he is wondering whether the building should be inspected before occupation, to insure it's safety. Mr. Horrocks stated the building may have been inspected for the previous tenant.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to waive inspection or permit fees for the Viking Associates warehouse to be utilized by the Pennsylvania State Police for their Christmas toy give-away program.

B. CORRESPONDENCE - None.

C. CONFIRMED APPOINTMENTS: None.

D. DIRECTOR OF PUBLIC WORKS REPORT - Mr. Thomas A. Buzby - Mr. Buzby read the Public Works Report dated July 25, 1993 through September 4, 1993, which is on file at the Township office.

Mr. Buzby advised specifications have been completed for ID-2 Wearing Course which will be advertised for bid. Hopefully, the amount of work will encompass Broad Street from Rt. 313 to Middle Road, though the exact amount will depend on the winning bid price.

Chairman Bennett presented a Proclamation recognizing a former Township employee, Mr. H. Scott Lear, for his many years of fine service. Mr. Lear has been foreman of the Public Works Department for a number of years, and has been employed by Hilltown Township since December of 1975.

E. POLICE CHIEF'S REPORT - Chief George Egly - Chief Egly read the Police Report, dated August, 1993, which is on file at the Township office.

Chairman Bennett asked how many residents are currently active in the Town Watch program. Chief Egly understands membership is very low in Town Watch at this time, with only approximately 12 residents participating in the program.

F. CODE ENFORCEMENT OFFICER'S REPORT - Mr. Eric D. Applegate - Mr. Applegate read the Building Report, dated August, 1993, which is on file at the Township office.

Chairman Bennett noted that revenues from building are down approximately 52% during the first 8 months of 1993, as compared to the same time period of 1992.

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G. ZONING OFFICER'S REPORT - Mr. John Friel - Mr. Friel read the Zoning Report dated August, 1993, which is on file at the Township office.

H. HILLTOWN FIRE CHIEF'S REPORT - Chairman Bennett noted that Mr. Robert Grunmeier, Hilltown Fire Chief, is on vacation this week.

I. EMERGENCY MANAGEMENT COORDINATOR'S REPORT - As stated above, Mr. Grunmeier is on vacation this week.

J. \*8:00PM - PUBLIC HEARING TO DISCUSS THE POSSIBLE MODIFICATION TO THE H & K QUARRY AGREEMENT AND TO HEAR PUBLIC OPINION OF THE POSSIBLE RELOCATION OF THE CONCRETE BATCHING PLANT FROM THE BLOOMING GLEN QUARRY SITE TO THE SKUNK HOLLOW QUARRY SITE:

Before the Public Hearing begins, Chairman Bennett commented the Sunshine Laws are becoming more specific than they were in the past. Chairman Bennett advised a meeting was held with the Board of Supervisors and the Township Solicitor, in between regular meetings, on Wednesday, March 1, 1993, to discuss litigation between the Hilltown Township Water and Sewer Authority, and the Telford Borough Authority. Further, Chairman Bennett noted, the Board of Supervisors and the Township Manager met in Executive Session prior to this meeting to discuss the three year Police Contract, which expires on December 31, 1993. Also, a ten acre parcel of land which a resident of Hilltown Township may donate to the Township for park and recreation purposes was briefly discussed.

**The regular Worksession meeting of the Hilltown Township Board of Supervisors was adjourned at 7:58PM in order to conduct the advertised Public Hearing, as specified above.**

Chairman Bennett advised the asphalt plant was moved from the Blooming Glen Quarry site to the Skunk Hollow Quarry site approximately two years ago. The original agreement with H & K Quarry specified that once the asphalt plant was moved, the concrete plant should follow within 18 months. Some residents have questioned that agreement, and wondered why it was not followed to the letter. No decisions will be made this evening, since it is a Worksession meeting. Final decisions will be made at the September 27, 1993 Board of Supervisor's meeting. The Board of Supervisors are willing to listen to the resident's opinions, however due to the large crowd, there will be a five minute speaking limit per individual.

1. Ms. Kim Roberts, who lives at the intersection of Broad Street and Upper Church Road in Hilltown, is not totally opposed to the consolidation of the quarry, however she is opposed to the traffic route used by quarry vehicles on a daily basis, and the

increase in truck traffic which will occur if the consolidation does take place. At present, there is a considerable amount of truck traffic using Broad Street and Upper Church Road. Ms. Roberts does not believe the roadways are built for the truck traffic that currently exists, and definitely not for additional truck traffic. There is also a dangerous curve on Upper Church Road, and as vehicles travel at speeds in excess of 50 or 60 m.p.h., approaching Broad Street, many vehicles have ended up on her own property or on a neighbor's property. There are also a growing number of families with small children moving to this area, which is another reason Ms. Roberts is opposed to the traffic. Possibly, if the consolidation does take place, Ms. Roberts suggested the quarry traffic utilize Hilltown Pike, which is more suitable, and then continue out Dublin Road to Rt. 313.

2. Mr. Bill Godek, 206 Broad Street, asked why it took so long to get to this point, when the Township knew over two years ago, that within 18 months the quarry was required to comply with the stipulations of the agreement by actually conducting the move of the concrete batching plant. Personally, Chairman Bennett replied it appears this is one of those things that slipped through the cracks. Mr. Godek commented he has brought it to the Board's attention on several occasions. Chairman Bennett believes at the time Mr. Godek brought this to the Board's attention last spring, the Supervisors took the advice of the police department to wait until the summer months when a more accurate traffic study could be conducted. Mr. Godek commented by that time, the quarry was already in violation of the agreement. Mr. Godek asked why a representative of H & K Quarry was not in attendance this evening with a response as to why the concrete batching plant was never moved according to the agreement.

3. Mr. Jack Kibblehouse of H & K Quarry replied the reason the quarry did not complete their operations and final testing on the new plant was because the new plant was not put in at H & K until last year, when all final approvals were received. Mr. Godek presented a copy of an agreement and asked if this was the same agreement Mr. Kibblehouse had entered into with Hilltown Township in 1981, and Mr. Kibblehouse replied that it was. Mr. Godek called attention to one line in the agreement which states "discontinued a plant of such type may then be erected and installed at Skunk Hollow Quarry site". Mr. Godek pointed out that it says "when it is installed", not when it is in operation. Mr. Godek feels that has precise meaning under the law, and that is what he has told Township officials time and time again. Mr. Godek wanted to know why the terms of the agreement are not binding. There may be a problem at this point where things have changed in terms of traffic, and Mr. Godek believes that should be addressed, however he would still like to know why the original agreement was

not held to and why there was "stonewalling" by the Township in the past.

Chairman Bennett commented this Public Hearing is not a debate between individuals. The Board is merely asking concerned residents to share their concerns and state their opinion. Mr. Godek replied he would like to hear the facts and answers to his questions. Mr. Godek noted the agreement with H & K Quarry is a fact, and it contains certain stipulations which have not been honored by the quarry. Chairman Bennett stated the Board will find the facts to this issue before the evening is over.

Upon reviewing records of past meetings, Mr. Godek believes the 5 minute speaking time limit is enforced selectively and he feels that is unfair.

Mr. Godek would like to know why H & K Quarry did not keep to the original agreement. Mr. Godek commented the Board of Supervisors are as trustworthy to him as the Gestapo was to concentration camp prisoners. Mr. Godek does not believe the Board is worth their word.

4. Mr. Ron Theis of Florence Circle, who formerly lived near the quarry, advised the minutes of the March 12, 1990 Board of Supervisors state "Mr. Bill Godek questioned that the minutes be corrected to reflect the fact that the agreement states "cease operations first and then begin operations at the other plant". This amendment to the minutes was duly noted by Chairman Bennett." Mr. Theis believes the Board of Supervisors knew, back in March of 1990, what the agreement stated, and he does not feel it was information that was recently discovered. Mr. Theis asked the exact date the asphalt plant became operational. Mr. Kibblehouse does not have an exact date, but he believes it was during the first half of 1992. Therefore, Mr. Theis commented, we may or may not have excluded that 18 months based upon the date considered operational.

Mr. Theis asked if there is a plan to move the other facility by the end of this year, and if so, why would the Planning Commission recently recommend approval, with variances, for construction at the Blooming Glen quarry site for a new building. If that is the case, Mr. Theis wondered what effect the new construction might have, if that plant is scheduled to be closed by the end of this year. Supervisor Fox replied the building the Planning Commission recommended for approval was a building which took the place of two other buildings containing rest rooms, lunch rooms, etc.. If that site is to be closed within the next three months, Mr. Theis wondered why new construction is proposed. Supervisor Fox commented the Blooming Glen Quarry site is not scheduled to be closed.

Mr. Theis asked the amount of traffic, at present, between Skunk Hollow Quarry and Blooming Glen Quarry. Supervisor Bennington noted a traffic study was done to determine that. With the expansion of Sacred Heart Church, Mr. Theis asked the effects of moving the concrete facility to Skunk Hollow, which will almost double in size, and it's impact on the road and the presence of school children. Mr. Theis asked if H & K could consider building an access road directly to Hilltown Pike or Rt. 152, bypassing residential neighborhoods entirely. Chairman Bennett does not believe that particular point has been discussed, however diversion of traffic has been considered.

5. Mr. Roy Kopp, 2123 Broad Street, is not present to discuss the legality of the agreement, however he is concerned about the possible increase of traffic on Broad Street, which is already overbearing. Mr. Kopp does not believe Broad Street was constructed to handle the truck traffic that presently utilizes the roadway. Mr. Kopp is interested in diverting traffic from Broad Street.

6. Mr. McCormick of 1618 Broad Street has yet to hear the results of the traffic impact study. In Chief Egly's estimation, to move the concrete batching plant from Blooming Glen site to Skunk Hollow site, there will be an increase in truck traffic by approximately 60% to 65% over what is taking place at present. Mr. McCormick presumes the traffic impact study included the Blooming Glen site and the Skunk Hollow site on the same day. Chief Egly confirmed that to be correct. Mr. McCormick agrees with almost every resident who has spoken this evening, however he does have a question. There is a relatively large project being undertaken in the Dublin area by widening the highway. Mr. McCormick feels that will place even more traffic on Broad Street, especially very close to the area in which he lives. Mr. McCormick suggested, for the Board's consideration, that if the concrete batching plant move is to take place, that it be postponed until after the Dublin construction project is complete.

Mr. McCormick stated he has lived on Broad Street for approximately seven years. At the time he moved here, Broad Street was in pristine condition, however today, Broad Street is filled with potholes and experiences very heavy traffic. Mr. McCormick agreed with Mr. Theis who suggested finding an alternative route for quarry truck traffic. Supervisor Bennington noted if the concrete batching plant is moved to the Skunk Hollow facility, the roadways that will then be utilized are Township roads, which taxpayers will be footing the repair bills for. Mr. McCormick is against putting any more traffic on Broad Street.

Mr. Horrocks explained the Township Public Works Department alternates repaving of certain roads, and this year, Broad Street,

from Upper Church Road to Rt. 313, is scheduled to be repaved. This has nothing to do with the quarry. Mr. Buzby commented a section of Broad Street is due for repaving, and additional work is sometimes done on that roadway because of the excess of truck traffic.

7. Mr. Dave Hendricks of 511 Upper Stump Road is vehemently opposed to the relocation of the concrete batching plant due to the traffic, the heavy trucks and the stone, which will only get worse if the plant relocation were to take place. There is a point of law, as Mr. Godek previously stated, however there is also a point of common sense. Common sense tells Mr. Hendricks that the size and weight of those trucks on local roadways, plus the extra traffic, the expansion of the school, and increased development in the area, will have a profound affect on the community.

8. Mr. Joe Mull of 117 Broad Street asked Chief Egly the speed limit of Broad Street. Mr. Mull was informed that on a rural residential street of that nature, the speed limit is 35 m.p.h. Chief Egly replied the speed limit of Broad Street is 45 m.p.h. Mr. Mull advised there was a young boy struck by a vehicle on Broad Street a few days ago. The quarry trucks, if loaded, are traveling with approximately 35 tons of weight. Mr. Mull would like to see the speed limit of Broad Street lowered for truck traffic. Chief Egly believes the speed study conducted brought the limit down to 45 m.p.h., which is as low as it can go at that particular time. The Hilltown Police Department must follow State guidelines for speed studies. Last year, Mr. Mull stated, an empty H & K truck practically took a pole off the front of his property. At the time, he could not get the number from the truck, which had been traveling at a speed of approximately 45 m.p.h., and had actually left the roadway. Mr. Mull is very concerned about the speed of the quarry trucks.

Further, Mr. Mull wondered what the effect cement dust might have on properties and homes, and if that issue has been discussed. Mr. Mull advised holding tanks for cement have a habit of backing up and belching a large cloud of cement dust into the air. Mr. Mull asked who will be responsible for the damage which may result to homes, swimming pools, and properties. Mr. Mull is not in favor of the concrete batching plant being moved, however he is concerned with who will take the responsibility for possible damage if the move of the plant does take place. Supervisor Bennington noted the Board of Supervisors is not in favor of moving the concrete batching plant either, even though the agreement calls for it, which is why the Public Hearing is being held this evening.

9. Mr. York Fischer lives on Skunk Hollow Road, and his property abuts the quarry. Mr. Fischer complained of great amounts of dust in his home each week, and the noise beginning at shortly

after 6:00AM each morning. Mr. Fischer stated he does not want 65% more of that, with increased traffic. Mr. Fischer is dead set against the relocation of the concrete batching plant.

10. Mr. Dick Smith, who lives on the corner of Skunk Hollow and Callowhill Roads, stated the quarry was in existence before he moved to Hilltown Township, and he has never had any complaints against the quarry itself. Mr. Smith's main complaint has been against the Supervisors of the past, who have allowed the quarry to change the rules after they were made. Originally, no asphalt could be made at the Skunk Hollow site, however those rules were changed to allow the asphalt to be made there. Mr. Smith would like to be on record as being against moving the concrete batching plant due to the increased truck traffic.

Chairman Bennett does not believe rules have been changed since the original agreement, which is dated 1981, and when none of the present Supervisors were a member of the Board. Mr. Smith commented the regulations originally stated that there was to be no asphalt batching plant at the Skunk Hollow site. Mr. Smith has lived at his home since 1959, during the time Mr. Vernon Horn owned the quarry. When Mr. Horn attempted manufacturing blacktop at the Skunk Hollow quarry site, Mr. Frankenfield, who was Supervisor at the time, said if Mr. Horn were to take one truckload of asphalt out of that plant, he would shut the quarry down. Mr. Smith believes that is how the original agreement with the quarry was written. Many years ago, Mr. Smith attended a Township meeting at the former municipal building in Blooming Glen, with Mr. Horn and representatives of H & K Quarry in attendance. Mr. Horn told Mr. Smith that it did not make any difference because he was attempting to pass it through the Bucks County courts to determine that blacktopping was a part of quarrying. Mr. Smith noted he never went against Mr. Horn until he attempted to operate a blacktop facility at the quarry. Chairman Bennett believes that is true, however he wished to comment that the Township has not changed a thing since the agreement in question was drafted in 1981.

11. Mr. Jerry Gilbar of 12 Broad Street stated he is a newcomer to the Broad Street area, recently moving to Hilltown Township approximately 9 months ago. Since Mr. Gilbar has lived at 12 Broad Street he has not had to set his alarm clock, because every morning there is a rumbling of the trucks loud enough to "rattle your bones". Many times Mr. Gilbar, who has quite a bit of frontage on Broad Street, has awakened to find all types of debris including stone and rocks in his lawn that he assumes has fallen off the trucks, as well as tire marks on the grass. There is also a problem with the traffic coming off Rt. 152 at the stop sign on Broad Street. Many trucks travel up Rt. 152 at a high rate of speed, and are almost launched into the air when crossing the bump in the roadway. Mr. Gilbar believes truck speed is quite a



bit more than 45 m.p.h. in some cases. Mr. Gilbar is especially concerned when turning into his driveway just after the intersection of Rt. 152 and Broad Street. If there is any way to slow the quarry truck traffic, Mr. Gilbar would certainly be in favor of it. After hearing Chief Egly's prediction of approximately 60% to 65% more traffic on Broad Street, Mr. Gilbar would definitely be against the relocation.

12. Mr. Murphy of 129 Broad Street stated his property immediately adjoins the quarry. Mr. Murphy would like to make the Board aware that there are elderly residents living immediately adjacent to the quarry site, and he does not feel they deserve, after a lifetime of struggle, to have their homes "bounce" when the quarry blasts, and to endure the constant noise and dirt. Mr. Murphy is totally against the possible relocation of the concrete batching plant.

13. Mr. David Freed of 432 Broad Street was very much against the possible relocation, stating that he would like to have the concrete plant stay right where it is, at the Blooming Glen Quarry site. Mr. Freed commented the truck traffic on Broad Street is wicked, at present. Mr. Freed feels the quarry is necessary, advising his driveway is paved with H & K blacktop, and his home's foundation is from their quarry. Mr. Freed feels H & K Quarry has been a good neighbor, and he has no complaints, but he appealed to the Board to spare the Broad Street area of increased traffic. Portions of Broad Street are in very poor condition, with the roadway being too narrow and the ditches being too deep. At the very least, Mr. Freed feels Broad Street should be widened and repaired. However Mr. Freed feels the best possible solution would be to construct a roadway along the rear of the quarry, with access onto Rt. 152, thereby removing heavy truck traffic from the narrow back roads.

14. Mr. Dan Polan, who lives on the corner of Upper Church Road and Broad Street, has some concerns and mixed emotions about the quarry expanding their operation to the Skunk Hollow site. Mr. Polan's major concern is the increased traffic. If the relocation of the concrete batching plant should take place, Mr. Polan is concerned about the rules of quarry operation being enforced. As a contractor, Mr. Polan feels H & K is a good quarry operation, and he himself deals directly with them. However he sees many regulations that have been set forth which the quarry does not appear to be enforcing, such as covering trucks when full, and the designated routes of truck traffic. If the relocation were to take place, Mr. Polan feels the issue of traffic must be addressed and that the enforcement of regulations must occur. Mr. Polan also agrees with the suggestion of the secondary access road. Mr. Polan has been a resident of Hilltown Township for three years. Just this past year, his windshield was shattered by a rock falling from

a fully loaded H & K truck that he was following on Hilltown Pike.

Supervisor Bennington asked Mr. Polan if he is opposed to the relocation of the concrete batching plant. Mr. Polan replied he has mixed emotions about it, however he is not opposed to the move.

Chairman Bennett commented the agreement reached with H & K, approximately 2 years ago, was that they would cover their trucks when carrying the smaller sized, 1/4" fine stone, and to his knowledge, that has been the case. If the truck were carrying 1/2" or 1" stone, the truck would not automatically have to be covered. Chief Egly noted that is a State law, and when trucks are carrying any stone above 1/4", the Township cannot enforce the covering of the quarry vehicles.

Mr. Ron Theis did not agree with Chief Egly's statement, because the agreement clearly states that H & K Quarry must follow the Zoning Ordinance, Section 516, which says "All vehicles transporting stone or other quarrying products from any quarrying operation within the Township must employ a canvas or other protective device over the body of the vehicle to prevent said stone or quarrying products being transported from the quarry from spilling from the body of the vehicle." Mr. Theis noted the Ordinance states "all", not "some", with regards to stone. Chief Egly replied he has no enforcement powers over the Zoning Ordinance. Mr. Theis feels the quarry should be fined for breach of the Zoning Ordinance.

Mr. Theis noted this, as well as other issues, such as operation times, have been an argument with the quarry for many years. For instance, on the Sunday of Labor Day weekend, there was a Colonium Materials truck (which Mr. Theis believes is owned by the quarry) seen on Callowhill Road. Chief Egly does not believe the agreement with H & K, nor the Zoning Ordinance regulations, can supercede State law with regards to covering the trucks. Chairman Bennett replied that is true.

15. Ms. Wanda Rockel of 1506 Hilltown Pike is not sure she understands the question being asked this evening, and wished for clarification. Ms. Rockel wondered if the Board is attempting to force the movement of the concrete plant to the Skunk Hollow Quarry, and also asked if the quarry is opposed to that. Chairman Bennett explained the original agreement specifies that once the asphalt plant was moved, which was done approximately 18 months to two years ago, then the concrete batching plant was to follow, so that both plants would be operating in the same area. At least one resident has raised the question as to why H & K has not moved the concrete batching plant to Skunk Hollow. After review of the traffic studies conducted on this area, Ms. Rockel does not understand why any one would want to concentrate even more traffic

on Broad Street and Hilltown Pike. Ms. Rockel can testify as to how much traffic has increased over the years that she has lived in the area. Ms. Rockel believes leaving the concrete batching plant where it is would be the smartest idea.

Chairman Bennett commented several issues have been referenced this evening, including speed of vehicles, hours of operation, dust, covering of trucks, etc., however the fundamental concern appears to be the increase in the amount of traffic which the proposed moving of the concrete batching plant would cause. Ms. Rockel stated she would certainly be in favor of not increasing the traffic on Hilltown Pike, if it is at all avoidable.

16. Mr. Mike Brown of 1233 Broad Street has resided at this address for approximately five years. Certainly during the past three years, Mr. Brown has noticed traffic increasing. For instance, today between the hours of 8:00AM and 3:00PM, there were no fewer than fifty trucks traveling on Broad Street. Mr. Brown noted the number of trucks and the speed of those vehicles is highly excessive. Frankly, Mr. Brown advised, the noise is such that he must turn on a fan inside his home in order to have a normal telephone conversation. With Broad Street becoming more and more of a conduit between Rt. 313 and Rt. 309, and with the proposed change to the Rt. 202 corridor, the stress on Broad Street is excessive today. Mr. Brown can not imagine what it might be like in the future if the proposed relocation of the concrete batching plant were to take place. Mr. Brown and his family are very much opposed to any increase in traffic on Broad Street or in the neighborhood.

17. Ms. Leslie Keers of 529 Skunk Hollow Road stated she and her neighbors have endured heavy truck traffic for years, and past speakers are correct in advising that the local roadways are not designed for this type of traffic. When Mr. Horn originally developed the quarry, the trucks being used at the time were six wheel standard trucks, however they are now 10 wheel trucks, or more often than not, tractor trailers. When the asphalt plant went into operation, tractor trailers began hauling tar. If the concrete batching plant were to be placed in operation at the Skunk Hollow plant, the tractor trailers would then be hauling cement products, not to mention the concrete batch trucks themselves that will be leaving the site. Ms. Keers does not believe additional traffic should be concentrated on any of the roadways in this particular area. Unfortunately, the quarry is landlocked by residential properties, which may make it impossible to construct an access road as suggested previously, unless the quarry can acquire those private residential properties.

18. A resident reminded the Board that 1993 is not a good construction year, so therefore, the numbers for the truck traffic

study will actually be much higher in better construction years. Mr. Kibblehouse agreed with this assessment.

19. Ms. Melissa Swartley of 312 Upper Church Road is opposed to the relocation of the concrete batching plant if it will mean more traffic in her neighborhood. Ms. Swartley shares the concern that was voiced earlier with regards to the bad intersection located on Upper Church Road. Vehicles travel on Upper Church Road at a very high rate of speed. Ms. Swartley suggested a speed limit be placed on the road, since to her knowledge, there is no speed limit posted. Ms. Swartley's neighborhood contains many young children, and she is very concerned about the traffic and it's speed. Even if the concrete batching plant is not relocated, Ms. Swartley would like to see the quarry trucks travel different routes.

Chairman Bennett advised he had complained to Chief Egly about the speeding quarry trucks several years ago. At that time, Chief Egly pointed out the fact that empty or full, the quarry trucks are very large, noisy, and many times they give the impression that they are traveling at a higher rate of speed than they actually are. Chairman Bennett has since been an observer of that situation, though he is not saying that there are not speeding quarry trucks traveling Township roads. Most all of Hilltown Township roads are two lane roadways, except for Rt. 313 and Rt. 309, and Chairman Bennett agreed that sometimes it is very uncomfortable when passing trucks on the narrow roads. However, Chairman Bennett feels Chief Egly was right and sometimes the trucks appear do appear to be traveling at higher rates of speed than they actually are. Further, Chairman Bennett noted that H & K Quarry does not personally own all of those vehicles. They do business with independent truckers as well.

Chairman Bennett stated Hilltown Township Police Department runs traffic studies frequently. More than half of the motorists arrested for speeding or other traffic violations in Hilltown Township are not residents of this Township. It appears that East and West Rockhill, Sellersville, Perkasio, and Souderton residents are cutting through Hilltown Township in order to avoid Rt. 309. Unfortunately, there is nothing that can be done about it. Traffic is particularly bad during heavy commuter hours.

20. During the five years Mr. Lee Post of 516 Broad Street has lived at his present home, he and his family believe they experienced the worse truck traffic in 1989. Mr. Post feels this coincided with a record number of housing projects in Bucks County as well as the reconstruction of the Pennsylvania Turnpike, for which much of the stone from the quarry was utilized. Broad Street, specifically, is so narrow and so small in places, especially from Conlin Way to the back entrance to the quarry, that

there are times where you literally must stop your vehicle and get over into the ditch so that trucks can pass. Mr. Post is not against H & K Quarry, although there are things that have happened with the quarry that he has not been happy with. However with the logistics of traffic patterns, Mr. Post feels it just makes good sense to not concentrate both quarrying operations at one site.

With the reconstruction of Rt. 313, Broad Street is being used as a crossover. Mr. Post has even noticed an increase of Hatfield Packing trucks traveling on Broad Street. Mr. Post has not heard any one speak this evening who sounded supportive of the relocation of the concrete batching plant. Mr. Post believes the Board's responsibility, as Supervisors, is to fulfill the wishes of the residents of this Township after seriously considering the input heard this evening. Since the Public Hearing began, Mr. Post has heard only one resident who said they were neutral about whether or not the concrete facility should be moved. Supervisor Bennington noted there is one other resident who supports the move of the concrete facility. The reason this Public Hearing is being held is because the Board of Supervisors is of the opinion that sometimes public welfare dictates that agreements can be changed to benefit the residents of the Township. One resident has suggested the Board stick to the original agreement with H & K Quarry by relocating the concrete batching plant to the Skunk Hollow site.

21. Mrs. Janet Clark of 405 Skunk Hollow Road is opposed to the relocation proposal due to the increased traffic and the danger of the heavy quarry trucks.

22. Mrs. Vicky Brady of 135 Broad Street stated the quarry is right in her back yard. Mrs. Brady asked if the size of the stone in the quarry is a #4 stone. Mr. Kibblehouse replied there is a #4 stone, which is quite large. At one time, Mrs. Brady followed a truck carrying these large stones on Broad Street near Rt. 313, when the stone began to roll off the truck. Mrs. Brady's brand new \$75.00 tire was then slashed from the stone. Another incident involved one of Mrs. Brady's sons, who was standing on the corner of Conlin Way and Broad Street, watching the quarry trucks pass. One of the #4 stones rolled off and landed on her son's foot. Fortunately, Mrs. Brady's son did not experience a serious injury, however she feels all loaded trucks should be covered. Mrs. Brady is against any more truck traffic on Broad Street.

23. Ms. Lois Gordon of 414 Broad Street agrees with every one who spoke this evening who said that the roadways are inadequate for truck traffic as it now exists, and to move the concrete batching plant to the Skunk Hollow quarry site would not be in the best interest of the residents of the Broad Street area, or Hilltown Township. Ms. Gordon is opposed to any such move.

24. Mr. Joe Brady of 135 Broad Street is opposed to relocating the concrete batching plant to the Skunk Hollow site. Mr. Brady is also a bit concerned because several years ago, when the blacktop plant was moved to the Skunk Hollow site, the public raised the same safety issues that are being raised this evening. At that time, the residents met head to head with representatives of H & K Quarry, however the residents were on the losing end of that battle. In this instance, it appears that H & K Quarry would like to keep the concrete batching plant at the Blooming Glen Quarry. Mr. Kibblehouse replied that was a correct statement. Mr. Brady is concerned that H & K Quarry, or any other big business, when faced with opposition on an issue, may "get their way" every time.

Supervisor Bennington commented certain people would indicate that the Board of Supervisors have a "hidden agenda" with regards to this issue, however that is not true. Supervisor Bennington explained the situation exists because the Board is attempting to look out for the best interest of the residents of Hilltown Township. Most of the people here this evening, except for one non-committal, and one in favor of the move, do not want to move the concrete batching plant to the Skunk Hollow quarry site due to increased traffic.

Mr. Brady would just like to insure that, in the future, if there are other issues with regards to H & K Quarry, the Board of Supervisors will listen to and respect the opinions of the residents of this Township. Mr. Brady commented he is strongly opposed to bringing more traffic onto Broad Street, and is opposed to relocation of the concrete batching plant to the Skunk Hollow site.

Chairman Bennett stated he will suggest, that when this Public Hearing is over, the Board of Supervisors meet with Mr. Haines and Mr. Kibblehouse before rendering a final decision regarding the possible relocation. Chairman Bennett felt Mr. Brady made some good points, and felt review of some of the issues mentioned this evening, such as covered trucks, possible alternative routes, and speed limits, is required. Most of these issues have been discussed in the past, and some that were accomplished include covering of trucks when hauling 1/4" stone, revision of blasting schedules, and notification of residents prior to a blast, even though there is no law that stipulates such.

Mr. Horrocks suggested if a discussion takes place between the Board and owners of H & K, it be based upon the Solicitor's recommendation, to insure that no violation of the new Sunshine Law takes place.

25. Mr. Dave Hendricks asked Mr. Kibblehouse if he is opposed to moving the concrete batching plant to the Skunk Hollow site. Mr. Kibblehouse stated H & K Quarry believes it would be best for the Township and for the quarry to allow the concrete batching plant to remain at the Blooming Glen quarry site.

If the concrete batching plant is relocated to Skunk Hollow Quarry, Mr. Hendricks suggested the Board meet with Haines and Kibblehouse to establish rules and regulations via a binding agreement so that the people of this Township do not suffer from excess traffic and increased speeds of large trucks.

Supervisor Bennington went on record as stating he is in favor of allowing the concrete batching plant to remain at the Blooming Glen Quarry site and thereby, not increasing truck traffic.

25. Mr. Norm Hoopis of 606 Skunk Hollow Road wished to go on record as being opposed to the relocation of the concrete batching plant. Previous speakers have expressed his very same opinions concerning the increased traffic. Over the past ten years, Hilltown Township has become very populated, and Mr. Hoopis is concerned about the dust pollution.

Chairman Bennett explained the Bureau of Mines constantly oversees the quarry operations and he is sure E.P.A. does as well.

26. Mr. Kibblehouse thanked the Board of Supervisors for taking the time to consider their request to allow the concrete batching plant to remain at the Blooming Glen Quarry site. Mr. Kibblehouse also thanked the residents who are present this evening for their comments and opinions. Hopefully, there are some things H & K Quarry can do, internally, to help correct and address the concerns of the neighboring residents.

Mr. Kibblehouse would like to address several points mentioned this evening. With regards to the condition of roadways and work needed on certain roads within the Township, Mr. Kibblehouse noted throughout the years, H & K Quarry has supplied the Township with certain materials and labor in repairing portions of the road when needed.

Earlier someone had mentioned a "cement plant", Mr. Kibblehouse wished to clarify that this is not a cement plant, it is a batch plant. A batch plant does have cement silos and also consists of bag houses on the top to contain the dust problem around the concrete plant, whether it is located at the Blooming Glen site or the Skunk Hollow site. Mr. Kibblehouse advised clogging can happen, however H & K is very aware of the possibility, and filter bags are changed on a regular basis, as required.

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Another point Mr. Kibblehouse would like to clarify concerns the asphalt plant at the Skunk Hollow Quarry site. Mr. Kibblehouse recalls an earlier statement that there was not an asphalt plant at the Skunk Hollow site, however he recalls tearing down an asphalt plant at that site, and moving it to the Blooming Glen Quarry site. Mr. Kibblehouse is not certain the original asphalt plant was in operation, however he knows there was a plant at the Skunk Hollow site at one time.

With regards to the "beepers" on machinery and trucks at the quarry site, Mr. Kibblehouse agreed it is annoying and noted he would like to do away with the beepers as much as any one, however it is a law the quarry must follow. The same type of "beeper" system is found on Township vehicles, construction vehicles, and heavy equipment for safety purposes.

Mr. Kibblehouse mentioned inspections by the Environmental Protection Agency and O.S.H.A., noting representatives of these agencies are at the quarry site many times per year for unannounced inspections. There are certain stipulations H & K must abide by, and many items are checked each time the agencies are on site.

Again, Mr. Kibblehouse thanked the Board and the residents present for their time, and stated he is available to answer any questions.

27. Ms. Kim Roberts of 315 Upper Church Road, who was the first speaker this evening, asked Mr. Godek why he is in favor of the relocation of the concrete batching plant, considering he himself resides on Broad Street. Ms. Roberts asked if his support of the move was strictly for legal reasons or if for some other reason.

Mr. Godek replied since he moved into the Township in 1977, there have been more than six lawsuits involving the quarry, and there was supposed to have been seven by the agreement with H & K which was signed in 1981. Mr. Godek clarified that there are two sites within Hilltown Township which are "quarry sites" by definition of the Zoning Ordinance. At one time, H & K Quarry was permitted to have both the asphalt plant and the concrete plant operating at the Blooming Glen site. The agreement stated H & K Quarry, at any point in time, could move one of those plants to another site, however it also stipulated that within 18 months of that first move, the second plant must also be moved completely to the other site. Ms. Roberts asked if Mr. Godek's justification is the legal issue. Mr. Godek replied it is more than the legal issue, it is the truthfulness of the matter.

Ms. Roberts stated that common sense, as the Supervisors had suggested earlier, should rule in this matter so that Hilltown Township does not end up in a legal battle over this issue.



28. If the agreement is a legal document, and the Township is prepared to break this agreement, Mr. Joe Brady asked if a replacement agreement will be instituted. Chairman Bennett explained the 1981 agreement would be amended. Mr. Brady asked if negotiation will take place during the amendment procedure in order to insure that the concrete batching plant will never relocate to the Skunk Hollow site. Chairman Bennett commented the Township is really only talking about one issue at this point. Mr. Brady would hope that the relocation of the concrete batching plant will be addressed on a permanent basis when the agreement is amended.

As a resident of Broad Street, Supervisor Bennington asked what Mr. Brady would like to see the agreement state. Mr. Brady would like to see the issue of the relocation of the concrete batching plant halted forever. Supervisor Bennington agreed and noted that is a possibility.

29. Mr. Ron Theis asked if another Public Hearing can be held before the amendment agreement is signed. Mr. Theis would like the residents of Hilltown Township to have the opportunity to review the proposed amendment agreement. Supervisor Fox asked why the Board, after making a decision on the matter, would address the issue again in a Public Hearing. If the concrete batching plant stays at the Blooming Glen quarry site, Mr. Theis would like to insure that another concrete plant can not be placed at the Skunk Hollow site, in addition to the one in Blooming Glen. A second Public Hearing would give the general public the opportunity to reflect on detail items they would like to see in an amended agreement that holds H & K Quarry a bit tighter on rules and regulations for quarry operations. Chairman Bennett feels discussions of the agreement could always be opened again. Mr. Horrocks commented the Public Hearing held this evening was advertised for public comment on the one specific issue only, which was the Board's possible consideration for modification to the agreement at the September 27, 1993 Board of Supervisor's meeting. If another Public Hearing were to be held, advertisement of that hearing must take place. Supervisor Bennington believes what Mr. Theis would like to see is a copy of the amended agreement negotiated by the Township and the quarry, prior to the time it is voted upon by the Board of Supervisors. Mr. Theis agreed with Supervisor Bennington's assessment. Mr. Horrocks suggested a possible solution might be to allow Mr. Horrocks to meet with Haines and Kibblehouse to draft a possible modification of this particular section of the agreement. The modification could then be available at the Township building for resident's review. Chairman Bennett commented the issue at hand concerns only one paragraph in the agreement. Mr. Theis believes we are talking about more than that, when there is referral made to a code in the Zoning Ordinance that can not be enforced. Mr. Theis feels there should be specific details listed including traffic, covering of

vehicles, and operation hours spelled out in detail for what H & K Quarry is agreeing to. Mr. Theis believes there should be a detailed list of all the concerns that must be followed by H & K Quarry, and if they are not address, the quarry will then be found in breach of contract, facing the possibility of shut down. Supervisor Fox stated that has nothing to do with the agreement on the point of the relocation of the concrete batching plant. Mr. Theis clarified that he and the residents of Hilltown Township should have the opportunity to review whatever amendments are made to the agreement with Haines and Kibblehouse before the agreement is finally approved and signed. Without the Township Solicitor present this evening, Mr. Horrocks suggested Mr. Theis' request be given to the Solicitor for review, as this Public Hearing was specifically set for one issue and one issue only. That is not to say Mr. Theis' suggestion is not feasible, however if it were, a second Public Hearing would be needed to discuss those other issues. Mr. Theis commended the Board for holding this Public Hearing in order to listen to resident's comments.

30. Mr. Jack Kibblehouse addressed Mr. Theis' concern regarding the possibility of establishing another concrete batching plant at Skunk Hollow if the present plant was not moved. Mr. Kibblehouse explained in the present agreement, H & K Quarry is allowed one plant of each at either/or of the two quarry locations. Chairman Bennett stated that is not to say, however, that H & K Quarry could not expand one of these quarries if they acquired a neighboring property, which would then have to be approved by the Supervisors at that time.

31. Mr. Jim Keers of 529 Skunk Hollow Road has lived in his home for approximately 36 years, since before Mr. Horn established the quarry. Mr. Keers questioned the statement just made, and asked if the law says the quarry can not be expanded in a non-conforming area more than 25% or 30% maximum. According to Mr. Keers, this was expanded once in the past. Mr. Keers does not believe you can legally expand a quarry operation in a non-conforming area, and the Skunk Hollow Road area is strictly a residential area. It is Supervisor Bennington's opinion that expansion of the quarry could not take place unless a new agreement was negotiated between the quarry and the Board of Supervisors. Supervisor Fox noted there would have to be a change in zoning in order to allow expansion of the quarry.

32. According to the Zoning Ordinance, Mr. Bill Godek stated, there are only two quarry sites and two types of plants allowed in Hilltown Township. Mr. Godek understands the concern residents have about the increased truck traffic. Personally, Mr. Godek would not like to see a traffic increase either, however the Supervisors are obligated to be concerned about the entire Township, including both areas of quarry operations. Mr. Godek

would like a copy of the traffic study report from Chief Egly.

Mr. Godek would also like to clarify that the speed limit where he lives on Broad Street is 45 m.p.h.. Chief Egly replied as far as he knows it is 45 m.p.h. Mr. Godek claimed he has been told at previous meetings that the speed limit is 55 m.p.h. because the roadway is not posted. No where on Broad Street is a sign stipulating a speed limit of 45 m.p.h.. Mr. Godek advised the only place on Broad Street where a speed limit is posted is where the dairy is located. It is Mr. Godek's understanding that every other section of that roadway is a 55 m.p.h. speed limit, which he would like clarified here and now. Chief Egly stated the road is supposed to be posted all the way along Broad Street because a study was conducted for it's entire length. Mr. Godek asked why there are no signs indicating that. Mr. Buzby, Director of Public Works, stated it was his understanding that the speed limit of Broad Street was 45 m.p.h. from Rt. 313 to Callowhill Road. Mr. Godek understands a traffic study is to be conducted in sections, and he would like it clarified that, legally, if he travels Broad Street at 55 m.p.h., he can not be ticketed, nor can any one else, including quarry trucks.

Mr. Godek thinks the reason why the agreement had stipulated that both plants be operated from the same site is for the reason that residents are concerned about - traffic. However, Mr. Godek also feels it is pitting one area of the Township against the other. At present, with an 8 hour work day, and with only one site that can do both the concrete and the batching, Mr. Godek stated there is only a limited number of trucks that can be used, which has to be either all asphalt, all concrete, or a combination. The exit roadways, where these traffic studies were done, does not show which route those trucks traveled once leaving Blooming Glen quarry site or Skunk Hollow quarry site. Mr. Godek noted all the trucks could be traveling Hilltown Pike. If both quarry sites are permitted to be operational, with 100 trucks, for example, that could be done in an 8 hour day at one site, you can now have 200 trucks at both sites. Mr. Godek wished to bring this information to the resident's attention, in terms of the way things would be if two sites were permitted to have truck traffic. Mr. Godek believes it will increase traffic throughout the entire Township.

**\*9:35PM - Chairman Bennett announced the Board will take a short recess, and will reconvene in ten minutes.**

**Chairman Bennett called the Public Hearing back to order at 9:50PM to entertain more questions. At 10:00PM, the Public Hearing will be adjourned, and the regularly scheduled September 13, 1993 Board of Supervisors Worksession meeting will be called back to order.**

Mr. Horrocks noted the Public Hearing held this evening was advertised for one very specific item, and there is no requirement for the Supervisors to act on that item at the next meeting this month. However, if the Board wishes to proceed further on anything else, Mr. Horrocks would like the Board's direction, in order to insure that no violation of the Sunshine Laws takes place. Chairman Bennett advised the Board is cognizant of three or four other issues mentioned this evening, including truck speed, possible alternate traffic routes, and covered trucks. It is Chairman Bennett's recommendation for the Township Manager to speak to the Township Solicitor in order to determine how to proceed at this point.

According to the Sunshine Law, Supervisor Fox noted the Board can only deal with the one issue for which the Public Hearing was advertised. Supervisor Fox believes statements made by the residents this evening are true. He knows that Mr. Haines and Mr. Kibblehouse have ordered their drivers to slow down to 35 m.p.h. through the villages, and believes H & K Quarry is attempting to work with the Township on these issues. Basically, however, Mr. Kibblehouse is only in agreement to change one thing as a result of this Public Hearing, which is the relocation of the concrete batching plant. The other concerns mentioned by residents tonight can be addressed at any public meeting. Supervisor Fox noted there are three separate time periods during any of the Board's meetings, including Confirmed Appointments, Resident's Comments, and Comments on Confirmed Appointments, when the public can speak to any concerns they may have. As a matter of fact, the State has just ruled that any meeting of any governing body must be open to public comment. Supervisor Fox does not feel another meeting should be held specifically for discussion of problems with the quarry.

Supervisor Bennington advised Mr. Kibblehouse would like to allow the concrete batching plant to remain at the Blooming Glen quarry site, and he personally would like to keep it there also, because of the threat of increased truck traffic. However, Supervisor Bennington feels Mr. Theis mentioned a very good point that he tends to agree with. The entire agreement should be reviewed to insure H & K Quarry is complying with the remainder of the agreement. Supervisor Bennington does not believe that is changing anything, he just feels it is insuring that the quarry is following, verbatim, what is in the present agreement. Discussion took place with Mr. Theis, who feels that since the Board is considering amending the agreement with H & K Quarry, all issues of concern should be addressed at time of amendment. Mr. Horrocks feels this matter should be discussed with the Township Solicitor, and suggested the Board postpone any proposed action to be taken during the September 27, 1993 Board of Supervisor Meeting, in order for the Township Solicitor to state his opinion at a public meeting. Supervisor Bennington agreed.

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Chairman Bennett stated there are a number of problems connected with the nature of the quarry operation, however in the 6 years he has been a Supervisor, his observation has been that Haines and Kibblehouse has been a very good corporate citizen. This does not mean that things can not be improved, which is why Chairman Bennett has proposed a meeting with Mr. Haines and Mr. Kibblehouse to discuss some of these issues.

**\*10:00PM - The Public Hearing was adjourned, and the regularly scheduled meeting of the Hilltown Township Board of Supervisors Worksession reconvened.**

K. MANAGER'S REPORT (Continued) -

1. Mr. Horrocks advised the Township Engineer faxed in a summary of nine different bids for removal of the last underground storage tank at the former municipal building in Blooming Glen. Mr. Wynn is recommending the bid be awarded to the firm of Crompton and Seitz in the amount of \$2,439.00, which was the low bid out of nine.

Motion was made by Supervisor Bennington, seconded by Supervisor Fox, and carried unanimously to award the bid for underground storage tank removal to Crompton and Seitz in the amount of \$2,439.00.

L. RESIDENT'S COMMENTS:

1. Mr. Godek asked for an update on the Miley property. Supervisor Fox believes the property is for sale at this time. Mr. Horrocks advised the Miley property has been transferred back to the original owner, though he does not know who that is. Mr. Godek asked how long ago that transaction took place. Mr. Horrocks believes it took place approximately three months ago. Mr. Godek asked the time limit for the Miley property before the subdivision becomes invalid. Chairman Bennett commented once a plan is recorded, there is a five year time limit, though he is not sure that particular plan was ever recorded.

M. SUPERVISOR'S COMMENTS: None.

N. PRESS CONFERENCE: A conference was held to answer questions of those reporters present.

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O. ADJOURNMENT: Upon motion by Chairman Bennett, and carried unanimously, the September 13, 1993 Hilltown Township Board of Supervisors Worksession was adjourned at 10:05PM.

Respectfully submitted,

*Lynda Seimes*

Lynda Seimes

Township Secretary

(\*These minutes were transcribed from recordings taken by Mr. Bruce Horrocks, Township Manager).