

**BOARD OF SUPERVISORS**  
**MEETING MINUTES**  
**April 3, 2017**

A Regular Meeting of the New Britain Township Board of Supervisors was held on Monday, April 3, 2017, at the Township Administration Building, 207 Park Avenue, New Britain Township, PA, beginning at 7:00 p.m. Present were Supervisors: Chair A. James Scanzillo, Vice Chair John A. Bodden, Sr., Members Helen B. Haun, Gregory T. Hood and William B. Jones, III. Also present were Township Manager Eileen M. Bradley, Township Solicitor Peter Nelson, Esq., and Township Engineer Janene Marchand.

**1. Call to Order:** Mr. Scanzillo called the Meeting to order.

**2. Pledge of Allegiance:** Mr. Scanzillo led the Board and audience in the Pledge of Allegiance.

**3. Announcements:** Mr. Scanzillo announced that the Board had met in Executive Session prior to this Meeting to discuss land acquisition, and litigation.

**4. Public Comment on Non-Agenda Items:** Mr. Scanzillo asked for Public Comment on non-agenda items. There was no Public Comment at this time.

**4.1. Public Comment on Recovery Houses:** Mr. Scanzillo called for Public Comment regarding a Recovery House on Harrison Forge Court.

Mr. Dean Malik, Esq. of Harrison Forge Court presented a petition and exhibits to the Board of Supervisors related to the occupancy of a house on Harrison Forge Court as a Recovery House. He then stated that Harrison Forge Court consisted of 17 homes on lots of less than one acre. Mr. Malik felt that New Britain Township had done a great job fostering a sense of community, which was one of the reasons he chose to make his home here. This sense of community was a product of the Township's zoning laws.

Mr. Malik believed that based on the Township's zoning ordinance definition of a family, the Recovery House fell outside the scope of the defined family for a residential home. Specifically, emphasizing that the zoning ordinance had the express purpose of attracting long-term residents that were invested in the community and not short-term or transient residents that would reside in the House. Mr. Malik stated that based on the Foundation House company website and other sources, a resident of this Recovery House could be there for a period as short as 4 weeks or as long as 6 months. Mr. Malik believed this time period by definition made them transient and not long-term residents. He also stated that they did not meet the criteria of a Guest House or Group Home either.

Mr. Malik stated that the Recovery House was managed by a company named Foundation House, a subsidiary of Humble Beginnings, LLC of Cherry Hill, New Jersey. Mr. Malik expressed concerns in the leadership of Humble Beginnings, LLC and, by affiliation, Foundation House. He cited that the CEO of Humble Beginnings had a judgment against him for insurance fraud, and that the lead council had been brought before the New Jersey Supreme Court Review Board for unethical conduct.

Mr. Malik also provided examples of municipalities that fought against the establishment of sober houses. Bristol Township had upwards of 95 Recovery Homes because they failed to act in a timely manner. Mr. Malik stated recovery houses were not licensed or regulated by the Federal Government or the State. Mr. Malik stated that the long-term cost of not fighting the sober house would greatly outweigh the cost to the Township in the short-term. He urged the Board of Supervisors to take action and enforce the current zoning laws.

Ms. Mary Beth McCabe, Esq. of E. Fairwoods Drive expressed concern about the manner in which the Recovery House was allowed into the Township without requiring a variance or special exception from the Zoning Hearing Board. Ms. McCabe stated that she lived in the same model of home as the Recovery House on Harrison Forge Court and could not imagine eight or more individuals living there. She believed that the zoning ordinance was written with the intent to attract permanent, long-term residents. Use of the subject property did not comply with current zoning, as the timeframe of residency was too short and transient in nature. The house was not constructed for ten people.

Ms. McCabe stressed that the neighbors' objections were not discriminatory, but were related to the function of the home within the RR-Residential Zoning District. Mrs. McCabe indicated that perhaps reasonable accommodations could be made elsewhere in the Township. She urged the Board to enforce the zoning regulations uniformly, as the applicant had the burden of showing that the use fit the existing zoning.

Mrs. Jan Kline of Harrison Forge Court was also opposed to the Recovery House. As a resident of New Britain Township for 30 years, she chose to live here for three reasons: the limited number of homes and great schools encouraged community interaction; home ownership, not renting, promoted permanency; and, group activities with neighbors encouraged community interaction. This sense of community could be lost due to the transient nature of the residents in the Recovery House. Mrs. Kline stated that residents have come to know neighbors, their children and even grandchildren. The community had become more diverse and she believed this was due to the stability of the families that live there. Mrs. Kline urged the Board not to deny future families the same experience and to enforce the current zoning laws.

Mr. Tom Misiak of E. Fairwoods Drive was opposed to the Recovery House. Mr. Misiak spoke of how great his neighbors were in welcoming him with goodies when he moved into his home. Mr. Misiak called the Board to action to support his community and enforce the current zoning laws to ensure the long-term investment in the community.

Mr. Bruce Quedenfeld of Brittany Drive asked if there were any other such homes throughout the Township. Ms. Bradley stated that there was one other located in New Britain Walk.

Mr. Robert Domzalski of Sheffield Court was opposed to the Recovery House. He had moved to New Britain from Philadelphia. He suggested that perhaps there was commercial zoning district that could accommodate the Recovery House.

Mr. Bodden stated that the Board would look deeper into the issue to reach an amicable solution. Mr. Jones echoed Mr. Bodden's sentiment and stated that the Board was always willing to listen, and would try to do what was right to the best of their ability.

Ms. Myra Savich of Creek Road asked when the neighborhood would find out the outcome of the discussion. Mrs. Lori Gudknecht of E. Fairwoods Drive wanted to know how the occupancy certificate was issued. Ms. Bradley gave a brief history and Mr. Scanzillo stated that the Township would communicate with the neighborhood representatives, Mr. Malik and Ms. McCabe.

Mrs. Haun said that there were no guarantees that changes could be made, but that the Board had listened to the residents and would do their best.

Mrs. Martha Wisniewski of Cayuga Circle asked if the Certificate of Occupancy (CO) for the property was unclear. Ms. Bradley stated that the CO was a standard permit for a single family home. Mr. Bodden stated that there had been recent changes to the State Use and Occupancy laws that have taken some of the control out of the Township's hands.

Ms. McCabe asked that the residents give the Township time to work on the issue.

There was no further public comment on this issue. Mr. Scanzillo thanked the residents for their candor and civility in the matter and that the Board would work toward a solution.

Mr. Scanzillo then welcomed and acknowledged the attendance of local Boy Scout Troop #36 and their leader, Anthony Callum. He thanked them for attending the meeting.

## **5. Approval of Minutes:**

### **5.1. Minutes of Meeting of March 6, 2017:**

**MOTION: A motion was made by Mrs. Haun, seconded by Mr. Hood and unanimously approved, to accept the March 20, 2017 Minutes as written.**

**6. Departmental Reports:** There were no Departmental Reports at this time.

## **7. Consideration of Old Business:**

**7.1. New Galena Road Bridge Replacement Contract Award:** Ms. Bradley stated that bids had been opened on March 22, 2017, for the New Galena Road Bridge Replacement Project. The bids had come in lower than expected, with Descoco Design & Construction, Inc. of Fleetwood, PA as the apparent low bidder at \$664,730.58. The documentation had been reviewed and the company vetted. Ms. Bradley recommended award of the Project to Descoco Designs & Construction, Inc. for \$664,730.58.

Mrs. Haun stated the Township had been planning the project for a long time and budgeting debt service for the project for several years.

**MOTION: A motion was made by Mrs. Haun, seconded by Mr. Jones and carried unanimously, to award the New Galena Road Bridge Replacement Contract to Descoco Design & Construction, Inc. of Fleetwood, PA for \$664,730.58.**

**7.2. Culvert Replacements throughout the Township:** Ms. Bradley stated that as the Township would be borrowing money for the New Galena Road Bridge Project, the Board should consider borrowing enough money to repair several culverts throughout the Township that were in need of repair. Superintendent of Public Works Wayne Fultz and Gilmore and Associates had prepared a list of culverts and estimated repair costs in order of highest priority.

Ms. Bradley stated that the estimates were very rough, as further engineering could bring the overall costs down. She indicated that she was seeking from the Board guidance on the amount of money to borrow. Ms. Bradley indicated that the first two culverts on the list, both located on Sellersville Road, were critical. She would prefer to do at least the top four culverts, which would include culverts on Upper Church Road and Walters Road. The projects could be bid as individual alternates and the Board could adjust the number of culverts that would be actually repaired.

**MOTION: A motion was made by Mr. Hood, seconded by Mr. Boddin and carried unanimously, to have Gilmore & Associates move forward with engineering and preparing bid documentation for the culverts at Upper Church Road, Walters Road and two on Sellersville Road.**

**8. Consideration of New Business:** There was no New Business at this time

**9. Consent Agenda:**

**MOTION: Upon motion by Mr. Jones, seconded by Mrs. Haun, the Board unanimously approved the following Consent Agenda items: Execution of a Professional Services Agreement for Land Development of TMP #26-003-113-002, 9 Elaines Lane, involving demolition of an existing structure and construction of a single-family home, with corresponding legal and engineering escrow of \$5,000.00; Escrow Release #2 in the amount of \$16,875.00 for Holy Properties/324 Schoolhouse Road (Clauser), leaving \$149,536.63.**

**10. Board of Supervisors' Comments:** There were no Board of Supervisors comments at this time.

**11. Township Administration Comments:**

**11.1. Financial Advisor for Bridge Loan:** Ms. Bradley recommended to the Board that the Township hire a financial advisor to assist the Township with borrowing for the Bridge and Culvert Projects. An advisor would find the best possible rates when borrowing, as well as assist with legal requirements and documentation. She had been in contact with PFM Financial Advisors to supply a quote for their services.

Ms. Bradley indicated that the Board could also consider including the remainder of the Public Works Building Debt Service when borrowing the money. Mr. Bodden asked Ms. Bradley to do more research and return to the Board with her recommendation for a financial advisor to borrow \$2.2 million.

**MOTION: Upon motion by Mr. Jones, seconded by Mrs. Haun and carried unanimously, the Board authorized the Township Manager to research financial advisors that would assist the Township with borrowing \$2.2 million for Bridge and Culvert Projects and Debt Refinancing.**

**11.2. Consortium Sign Materials Bid:** Ms. Bradley stated that the Bucks County Consortium Sign Bids had been opened and tabulated on February 23, 2017 by Northampton Township. After reviewing the final tabulation, Mr. Fultz recommended that contracts be awarded to lowest bidder Garden State Highway Products, Inc. for street signs and materials; and to lowest bidder Chemung Supply, Inc. for signposts.

**MOTION: A motion was made by Mr. Bodden, seconded by Mr. Hood and carried unanimously, to award the Township 2017-2018 Sign Materials Contract to Garden State Highway Products, Inc. for street signs and materials; and to award the signpost contract to Chemung Supply Inc.**

**11.3. Resolution #2017-10, Authorizing Grant Application to DCNR for Neshaminy Greenway Trail:** Ms. Bradley requested permission to move forward with a Department of Conservation and Natural Resources (DCNR) grant application for the remainder of design funding for the Neshaminy Greenway Trail Project. She indicated that the grant was prepared, complete with support letters from surrounding municipalities and agencies. Application required the adoption of Resolution #2017-10, authorizing application to DCNR for \$175,000 in grant funding.

**MOTION: A motion was made by Mrs. Haun, seconded by Mr. Bodden and carried unanimously, to adopt Resolution #2017-10, authorizing application to DCNR for \$175,000 for design funding of the Neshaminy Greenway Trail.**

**11.4. Approval of Dump Truck Order:** Ms. Bradley explained Mr. Fultz was seeking the Board's approval to purchase a Ford F-550 Dump Cab and Frame for \$47,000. Ms. Bradley stated that Mr. Fultz had found the lowest

price for the vehicle and the funding was allocated within the 2017 Budget. Ms. Bradley stated that the vehicle would need to be ordered shortly in order to have the bodywork completed before the next plowing season.

**MOTION: A motion was made by Mr. Jones, seconded by Mr. Hood and carried unanimously, to proceed with ordering a Ford F-550 Dump Cab and Frame for \$47,000.**

**11.5. Cancellation of April 17, 2017 Board of Supervisors Meeting:** Due to other commitments, Ms. Bradley requested that the Board consider canceling the April 17 Board of Supervisors Meeting.

**MOTION: A motion was made by Mrs. Haun, seconded by Mr. Bodden and carried unanimously, to cancel the April 17, 2017, Board of Supervisors Meeting.**

**12. Solicitor and Engineer Comments:** There were no Solicitor or Engineer comments at this time.

**13. Other Business:** There was no other business at this time

**14. Public Comment:** Mr. Bruce Quedenfeld asked if the water issues at Dolly and Cornwall would be addressed as part of the culvert project. Ms. Bradley stated that while Dolly and Cornwall were not part of the culvert projects, the stormwater issues there were being addressed separately

Mr. Quedenfeld also asked about the parking issue on Highlands Drive by the Butler Elementary School driveway. Ms. Bradley stated an ordinance was already in place restricting parking in the area between the hours of 7:00 a.m. and 5:00 p.m., but that additional signage would be added to clarify the restriction. That signage would be installed and the curbing painted imminently.

Mr. Anthony Callum asked a question on behalf of a Boy Scouts from Troop #36. He wanted to know why no one was there to represent the Recovery House during the public comment period that took place earlier in the evening. Mr. Nelson explained that the public comment is not a public hearing; anyone can bring up any subject at any time. Had the other side chosen to attend tonight's meeting, they would have been given the same opportunity to speak as well.

Mr. Callum asked if the Township would receive any of the Federal money earmarked for infrastructure. Ms. Bradley stated that if there were infrastructure funding available to municipalities, the Township would consider it. Federal funding, however, often came with many "strings" attached.

Mr. Malik asked the Board to reconsider canceling the April 17, 2017 Board of Supervisors meeting, as residents would want to hear a resolution to the Recovery House issue. Mr. Scanzillo stated that the residents would continue to be apprised of the situation through their representatives.

**15. Payment of Bills:**

**15.1. Bills List dated March 30, 2017, for \$127,250.52:**

**MOTION: Upon motion by Mr. Jones, seconded by Mrs. Haun, the Board unanimously approved the Bills List dated March 30, 2017, for \$127,250.52.**

**16. Adjournment:**

**MOTION: There being no further business or comment, a motion was made by Mrs. Haun, seconded by Mr. Jones, and unanimously carried, to adjourn the Regular Meeting at 8:10 p.m.**

Mr. Scanzillo announced that the Board would meet in Executive Session immediately following the Meeting to discuss litigation. The Executive Session lasted from 8:10 p.m. to 8:50 p.m. No action was taken at that time.

**NEW BRITAIN TOWNSHIP BOARD OF SUPERVISORS**

\_\_\_\_\_  
A. James Scanzillo, Chair

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John A. Bodden, Sr., Vice Chair

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Helen B. Haun, Member

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Gregory T. Hood, Member

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William B. Jones, III, Member

Attest: \_\_\_\_\_  
Eileen M. Bradley  
Secretary/Manager