

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

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

Reorganization:

1. Nomination(s) of Temporary Chair: Upon nomination by Mr. Hood, seconded by Mr. Bodden, Mr. Jones was nominated as Temporary Chair. No other nominations were presented.

2. Appointment of Temporary Chair:

MOTION: A motion was made by Mr. Hood, seconded by Mrs. Haun, and unanimously carried, to close the nominations and appoint Mr. Jones as Temporary Chair.

3. Swearing in of Elected Officials: There were no Elected Officials to be sworn in at this time.

4. Nomination for Permanent Appointment of Chairman:

MOTION: Upon nomination of Mr. Bodden, seconded by Mrs. Haun, Mr. Scanzillo was nominated as Permanent Chair. No other nominations were presented.

5. Appointment of Permanent Chairman:

MOTION: Upon motion by Mr. Bodden, seconded by Mrs. Haun, the Board unanimously appointed Mr. Scanzillo as Chair.

6. Approval of Resolution No. 2017-01: Appointments, Reappointments and Modifications of Appointments:

MOTION: Upon motion by Mr. Jones, seconded by Mr. Hood, and unanimously carried, the Board adopted Resolution No. 2017-01, setting various Committee and Board appointments effective January 3, 2017; and authoring all Supervisors and key staff members to attend the PSATS and BCATO annual conventions with all expenses paid thereto.

7. Approval of 2017 Meeting Dates:

MOTION: Upon motion by Mrs. Haun, seconded by Mr. Jones, and unanimously carried, the Board approved the Meeting Schedule for 2017.

Public Meeting:

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 prior to this meeting in Executive Session to discuss personnel issues and land preservation.

4. Public Comment on Non-Agenda Items: There was no public comment at this time.

5. Approval of Minutes:

5.1. Minutes of December 5, 2016 Board of Supervisors' Regular Meeting:

MOTION: A motion was made by Mrs. Haun, seconded by Mr. Jones and carried unanimously, to approve the December 5, 2016 Minutes as written.

6. Departmental Reports:

6.1. Code Department Report: Ms. Bradley presented the Code Department Report for November 2016.

6.2. Police Department Report: Chief Scafidi presented the Police Department Report for November 2016.

6.3. Public Works Department Report: Ms. Bradley presented the Public Works Department Report for November 2016.

7. Consideration of Old Business:

7.1. Public Hearing: Ordinance No. 2017-01-01, J25 Self-Storage Use Amendment: Mr. Scanzillo opened the public hearing at 7:10 p.m. Mr. Nelson stated that the proposed ordinance amended Code Chapter 27, Zoning by revising existing and adopting new regulations for the J25 Self-Storage (Mini-Warehouse) Use; adopting new parking regulations for J25 Self-Storage; and revising a parking regulation concerning paving. Mr. Nelson stated that the current J25 Use regulations did not address indoor, climate-controlled storage facilities. This ordinance would provide regulations for mini-storage and climate-controlled storage.

Mr. Hood asked about required parking spaces. Mr. Nelson added that with mini-storage, parking was needed throughout; however, with climate-controlled storage, there would only be one or two points of access to the building, and therefore parking was only required near those points of access instead of throughout the site.

MOTION: There being no further comment, a motion was made by Mr. Bodden, seconded by Mr. Hood, and unanimously carried, to close the hearing at 7:15 p.m.

MOTION: Upon motion by Mr. Bodden, seconded by Mr. Hood, the Board unanimously approved Ordinance No. 2017-01-01, amending Code Chapter 27, Zoning, revising existing and adopting new regulations for the J25 Self-Storage Use; adopting new parking regulations for J25 Self-Storage; and revising a parking regulation concerning paving.

7.2. Public Hearing: Holy Properties Conditional Use/Land Development: Mr. Scanzillo opened the Conditional Use Hearing at 7:15 p.m. A stenographic record of the proceedings was taken by Court stenographer.

Appearing for the Applicant was Mr. Edward Murphy, Esq., Mr. Kris Reiss, P.E. of Boucher and James Engineers and Mr. Steve Clauser, Applicant/Owner of Holy Properties, Inc. The Applicant proposed to operate a K5 Contracting Use (tree service) with an Accessory L2 Outside Storage Use on 6.12 acres at 324 Schoolhouse Road, TMP No. 26-001-103-001, located in the IO-Industrial Office District. The existing

farmhouse was to be used as office space incidental to the tree service business. The K5 Contracting Use was allowed By Right in the IO District; the L2 Outside Storage Use required a Conditional Use approval from the Board of Supervisors, as well as a variance for the size of outside storage exceeding the allowable 5% of building coverage.

Mr. Nelson verified that there were no additional parties appearing in the case. Mr. Reiss and Mr. Clauser were sworn in by the stenographer.

Mr. Murphy stated that Holy Properties, d.b.a. Clauser Tree Service, had previously executed a Permit Agreement with the Township, allowing them to begin clearing of the property and to bring the existing building into code compliance to be used as an office. Mr. Murphy added that the only work taking place onsite was in accordance with that executed Agreement.

Today's hearing was to request Conditional Use to allow an accessory L2 Outside Storage Use on the property in conjunction with the By-Right K5 Contracting Use. The Applicant had received the required variance for the L2 Use from the Zoning Hearing Board at a December 15, 2016 hearing. The variance was to the size of outside storage exceeding the allowable 5% of building coverage only. All other criteria for outside storage had been met, as outlined in the Gilmore and Associates review letter dated December 6, 2016. Mr. Nelson added that the only outstanding requirement was the L2 Conditional Use hearing itself.

Mr. Reiss stated that sheet 4 of the overall plan set highlighted the extent of outside storage. Mr. Murphy asked that the plans for 324 Schoolhouse Road, dated December 23, 2015, last revised November 16, 2016 and consisting of eight sheets be marked as Exhibit A-1; the Zoning Hearing Board Decision dated December 15, 2016 to be marked as Exhibit A-2; and the Gilmore & Associates review letter dated December 6, 2016 be marked as Exhibit A-3.

Mr. Murphy stated that what had been presented this evening was essentially what was presented to the Zoning Hearing Board on December 15, and met all the requirements of an Accessory L2 Outside Storage Use.

MOTION: There being no further comment, a motion was made by Mr. Bodden, seconded by Mr. Hood, and unanimously carried, to close the hearing at 7:25 p.m.

MOTION: Upon motion by Mr. Hood, seconded by Mr. Bodden, the Board unanimously granted Conditional Use allowing the L2 Outside Storage Use on the parcel located at 324 Schoolhouse Road.

With regard to land development approval, Mr. Murphy stated that the Applicant would comply with everything noted in the Gilmore and Associates review letter dated December 6, 2016. Mr. Murphy reviewed the submitted waiver request letter.

Mrs. Haun expressed her concern with waiver request #2 regarding curbs and sidewalks along the frontage of the project. Mr. Hood stated that the Township Planning Commission recommended curbing along the road frontage and a 6-foot bituminous trail in lieu of a concrete sidewalk. Additionally, partial road widening at 8- to 10-feet was recommended in place of full road widening, to match field conditions

Mr. Hood asked if the Applicant looked into how many trees could be saved by reducing road width and installing asphalt in lieu of concrete sidewalks. Mr. Reiss stated that maybe a few could be saved, but wanted the feedback from the Board of Supervisors before fully researching it. Some trees would need to be removed due to site distance requirements, but a few most likely could be saved with installation of a bituminous trail and reduced road widening.

Ms. Bradley stated that the applicant was requesting Preliminary/Final Land Development Approval.

MOTION: Upon motion by Mr. Bodden, seconded by Mr. Hood, the Board unanimously granted Preliminary/Final Land Development Approval to Holy Properties, conditioned upon compliance with the Gilmore and Associates review letter dated December 6, 2016, and compliance with Gilmore and Associates recommendation for road frontage improvements.

7.3. Public Hearing: Ordinance No. 2017-01-02, Medical Marijuana Dispensary and Grower/Processor: Mr. Scanzillo opened the hearing at 7:33 p.m. Mr. Nelson stated that the proposed ordinance amended Code Chapter 27, Zoning by establishing two new medical marijuana uses in the IO-Industrial Office District: J34 Dispensary Use and K21 Grower/Processor Use. Under Pennsylvania Act 16 of 2016 which allows the growing, processing and distribution of medical marijuana throughout all Commonwealth communities, the Township needed to provide zoning to allow the uses somewhere within the Township. No additional restrictions outside the Act can be instituted by local government.

Mr. Hood inquired about the Bucks County Planning Commissions review letter stating that the language in the proposed ordinance did not match the state law. Mr. Nelson stated that the Act did not say you had to adopt their definitions exactly, just that you could not impose additional restrictions/requirements on the uses. The language differences were made to add clarity to the ordinance.

MOTION: There being no further comment, a motion was made by Mr. Bodden, seconded by Mr. Jones, and unanimously carried, to close the hearing at 7:38 p.m.

MOTION: Upon motion by Mr. Jones, seconded by Mr. Bodden, the Board unanimously approved Ordinance No. 2017-01-02, amending Code Chapter 27, Zoning, by adopting new regulations for a J34 Dispensary Use and a K21 Grower/Processor Use; and permitting such uses in the IO-Industrial Office Zoning District.

7.4. Toll Brothers-New Britain Woods Request for Belgian Block Curbing: Ms. Bradley stated that Toll Brothers had requested permission to change the installation of concrete curbing to the installation of Belgian Block throughout the New Britain Woods development located off Barclay Road and Township Line Road. Ms. Bradley stated that Land Development Approval did not include the installation of Belgian Block and the roads within the development were to be dedicated to the Township. She and Public Works Superintendent Wayne Fultz both preferred concrete curbing, as maintenance was easier and less expensive.

MOTION: Upon motion by Mrs. Haun, seconded by Mr. Bodden, the Board unanimously denied Toll Brothers' request to install Belgian Block at New Britain Woods.

8. Consideration of New Business:

8.1. Approval of Resolution No. 2017-02, Setting the Benefits Package for Chief Robert Scafidi:

MOTION: Upon motion by Mr. Jones, seconded by Mrs. Haun, the Board unanimously approved Resolution No. 2017-02, setting forth the annual Benefits Package for Chief Robert Scafidi.

8.2. Approval of Resolution No. 2017-03, Fee Schedule: Ms. Bradley stated that the Official Township Fee Schedule reflected minor changes that include: permit fee for sidewalks was changed to a flat fee from a per linear foot fee; Open Records fees for color copies had increased, new Use and Occupancy Certification fees and the removal of Use and Occupancy escrows; and the addition of Road Opening Permit utility charges for installation of electrical poles.

MOTION: Upon motion by Mrs. Haun, seconded by Mr. Bodden, the Board unanimously approved Resolution No. 2017-03, setting the Fee Schedule for 2017.

8.3. Approval of Resolution No. 2017-04, Fund Balance Policy for 2017: Ms. Bradley stated that there were no changes from previous years' policy.

MOTION: Upon motion by Mr. Jones, seconded by Mr. Hood, the Board unanimously approved Resolution No. 2017-04, setting the Fund Balance Policy for 2017, based on GASB requirements.

8.4. Authorize Advertisement of New Use and Occupancy Ordinance and Program: Ms. Bradley stated that the General Assembly had passed new regulations that did not allow for withholding of Use and Occupancy certification or the placement of mandatory escrow in the event of a pending sale and occupancy of a structure with deficiencies. The proposed ordinance and policies were compliant with the new state law.

MOTION: Upon motion by Mr. Bodden, seconded by Mr. Jones, the Board unanimously approved advertisement of the proposed Use and Occupancy ordinance.

8.5. Authorize Advertisement of Revised Floodplain Ordinance: Ms. Bradley stated that the Federal and State government had recently revised their Floodplain requirements, requiring the Township to rewrite their existing Ordinance. The proposed ordinance had been vetted by FEMA, PEMA, Bucks County and Township Staff. The ordinance was required to be passed by March of 2017.

MOTION: Upon motion by Mr. Bodden, seconded by Mr. Jones, the Board unanimously approved advertisement of the proposed floodplain ordinance revision.

9. Consent Agenda:

MOTION: Upon motion by Mr. Bodden, seconded by Mr. Hood, the Board unanimously approved the following Consent Agenda items: Execution of a Stormwater Facilities Operation and Maintenance Agreement for John R. and Barbara Ann Smoogen for their property located at 24 Curley Mill Road, TMP #26-001-091-002 for maintenance of stormwater BMPs and corresponding permanent maintenance guarantee fee of \$477.50; Estates of Julius Farm Escrow Release #2 in the amount of \$272,193.06, leaving \$1,084,358.26 remaining; acceptance of Conservation Easement, Declaration of Covenants, Easements, Conditions and Restrictions, and Proof of Mortgage Satisfaction for Quad Graphics as part of the Quad/Naplin One, LLC Subdivision; Blooming Glen Contractors, Inc. payment request #5 for Veterans Park Phase One Construction in the amount of \$62,480.45, leaving \$48,114.96 remaining.

10. Board of Supervisors' Comments: Mrs. Haun stated that she was contacted by the state about continuing to serve on the State Water Resources Board, but declined reappointment.

11. Township Administration Comments:

11.1. 2017 Bid Limits and IRS Approved Mileage Allowance: Ms. Bradley provided the Board with the 2017 Bid Limits and stated that there was a slight increase from 2016 in the bid limits. The IRS approved mileage reimbursement rate had decreased to \$0.535 per mile.

11.2. 2017 Electronic Recycling: Ms. Bradley stated that Angela Benner had found a new vendor for the pilot Electronic Recycling Program. The vendor would collect electronics at no charge. Televisions and computer

screens that were cathode ray tube (CRT) varieties would cost \$30.00. The Board agreed to pass that cost onto the individual Township residents who wished to dispose of that type of electronic equipment.

12. Solicitor and Engineer Comments: Ms. Marchand announced that work had started back up at the SkyZone property.

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

14. Public Comment: There was no public comment at this time.

15. Payment of Bills:

15.1. Bills List dated December 22, 2016 for \$227,922.96, paid in Fiscal Year 2016:

MOTION: Upon motion by Mr. Jones, seconded by Mr. Hood, the Board unanimously approved ratification of the Bills List dated December 22, 2016 for \$227,922.96.

16. Adjournment:

MOTION: There being no further business or comment, a motion was made by Mr. Hood, seconded by Mrs. Haun, and unanimously carried, to adjourn the meeting at 7:57 p.m.

NEW BRITAIN TOWNSHIP BOARD OF SUPERVISORS

A. James Scanzillo, Chair

John A. Bodden, Sr., Vice Chair

Helen B. Haun, Member

Gregory T. Hood, Member

William B. Jones, III, Member

Attest: _____
Eileen M. Bradley
Secretary/Manager