

**BOARD OF SUPERVISORS  
MEETING MINUTES  
December 5, 2011**

A Regular Meeting of the New Britain Township Board of Supervisors was held on Monday, December 5, 2011 at the Township Administration Building, 207 Park Avenue, New Britain Township, PA, beginning at 7:00 p.m. Present were Supervisors: Chair Helen B. Haun, Vice Chair William B. Jones, and Members John A. Bodden, A. James Scanzillo and Robert V. Cotton. Also present were Township Manager Eileen M. Bradley, Township Solicitor Peter Nelson, and Township Engineer Craig Kennard.

1. **Call to Order:** Mrs. Haun called the Meeting to order.
2. **Pledge of Allegiance:** Mrs. Haun led the Board and audience in the Pledge of Allegiance.
3. **Announcements from the Chair:** Mrs. Haun announced that the Board had met in Executive Session at 7:30 on November 21, 2011 to discuss Land Acquisition.
4. **Public Comment:** There was no public comment at this time.
5. **Approval of Minutes from November 21, 2011 Public Meeting:**

**MOTION: Upon motion of Mr. Jones, seconded by Mr. Bodden, the Minutes of November 21, 2011 were approved as written on a vote of four to zero with Mr. Cotton abstaining.**

6. **Consideration of Old Business:**

6.1. **Residents Mr. and Mrs. Hauser:** Due to personal involvement in this issue, Supervisor Bodden recused himself from the discussion.

Robert and Kristi Hauser own the property at 560 Mallard Drive, which has a private sanitary sewer lateral that runs through an easement on their property. Several backups at a manhole on an adjoining property have overflowed onto their property in recent months. Mr. and Mrs. Hauser attended the Board Meeting held on September 19, 2011 and were back before the Board asking that the Township require the owners of the manhole to have it sealed.

Mr. Robert Bender, Director of North Wales Water Authority, previous Township Manager for 20 years, and previous Board Member of Chalfont New Britain Township Joint Sewage Authority, and who previously worked for land development companies where he was responsible for water and sewer systems, spoke to the Board and the Public about his experiences. Mr. Bender stated that if the manhole were sealed without solving the problem that is causing the backups, the waste would push up at a different location. Before the Board considers sealing any manhole, the Board should conduct an engineering study to determine the safety and necessity of sealing a manhole as well as receive approval to do so from DEP, the Bucks County Board of Health, and the Joint Sewer Authority. Mr. Bender also reported that if a manhole were sealed, then there would need to be a ventilation system installed so that the gases do not build up and cause an explosion.

Mr. Hauser stated that he believes no matter what the problem is and how it is fixed, the sewer will still back up and over flow onto his property unless the manhole is sealed.

Mr. David Crosman of Woodmount Road stated that there is a sewer easement that runs through his property with five manholes and that he does not experience any problems with the manholes because the Sewer

Authority maintains the line. What bothers Mr. Crosman is that the line on the Hauser's property has only been partially inspected and the reports are not clear as to what is causing the backups. Mr. Crosman encouraged all parties to allow the line to be excavated, inspected visually, and be fixed to prevent further problems.

Mrs. Debra Crosman, also of Woodmount Road, believes that pipe needs to be inspected and fixed.

Ms. Trish Harrington of 16 Kathryn Road stated that although the manhole has never overflowed onto her yard, she does notice the odor. She believes that this problem needs to be addressed and something needs to be done to fix the problem.

Ms. Sherry Walsh of Mallard Drive asked how someone could ensure that once the line is fixed it will be properly maintained. Solicitor Peter Nelson stated that the Township has no regulatory authority to require maintenance of the line; that DEP, the Joint Sewer Authority, and the Board of Health are responsible to regulate the maintenance.

Mrs. Lucy Jones of Mallard Drive stated that the backups are a health hazard and that the manhole is in a FEMA floodplain, therefore the manhole should be sealed to prevent any future overflows.

Ms. Allison Beedenbender of 25 Woodmount Road stated that her concern is what incentive do homeowners have to correct this problem. Ms. Bradley stated that DEP issued a letter to the owners of the involved properties stating that enforcement action will be taken by DEP should there be another backup.

Mr. Brandon Stampfl of Mallard Drive suggested that the manhole be sealed and vented. Township Engineer Craig Kennard stated that he is not a sewer engineer and that one would need to be hired to perform an appropriate study before sealing the manhole.

Mr. Larry Jones of Mallard Drive asked the Board if they believe this is an urgent problem. Mr. Nelson stated that the Board certainly believes this to be an urgent problem; however, as it involves private laterals on private property, the Township does not have any authority to mandate the sealing of the manhole.

Mrs. Hauser stated that they believe that the line needs to be repaired and will fully support the line being ripped up and repaired. They agree that it is a major problem and believe that if the Joint Sewer Authority would take over the line, it would be properly maintained.

Mr. Cotton stated that no one yet knows the exact cause of the problem, and suggested that the source of the problem be located and fixed.

Mr. Nelson concluded the discussion by stating that the Township has no authority on sanitary sewer issues to impose regulations on private property. DEP and the Bucks County Board of Health are the only regulatory authorities. The Township's position is that they want to find the source of the backups and see the problem fixed. The Township has no power or authority to mandate the sealing of the manhole. The Township does not design or review sewer systems or maintenance schedules. The Township cannot tell anyone how to maintain their sewer system and do not have the expertise to do so. The Board is willing to hear concerns and attempt to mediate a solution, but cannot tell neighbors how to fix a problem or interpret the sewer easement.

**6.2. Resolution #2011-22, 2012 Final Budget Adoption:** Ms. Bradley presented the 2012 Final Budget, highlighting that the total budget expenditures for all Funds for 2012 is \$8,790,161.24. The budget reflects no tax increases for 2012. Ms. Bradley stated the only change in the Final Budget over the Preliminary Budget presented

on November 7, 2011 is a decrease in the total assessment value, based on receiving the Certified Total Assessment from Bucks County Board of Assessment.

**MOTION: Upon motion of Mr. Jones, seconded by Mr. Bodden, and unanimously carried, the Board adopted Resolution #2011-22, adopting the 2012 Final Budget.**

**6.3. Resolution #2011-23, 2012 Tax Levy:** Ms. Bradley presented the 2012 Tax Levy Resolution in conjunction with the 2012 Budget, which assigns the millage distribution. Ms. Bradley stated that nothing has changed from the 2011 budget and all millage is allocated the same: 6.8125 mils for General Purposes; 1.25 mils for Fire service; 0.5 mils for Emergency Medical Services; 1 mil for Park and Recreation Purposes; 1 mil for Capital Infrastructure Purposes; 1 mil for Public Works Building Debt Service; and 0.5 mils for Highway Equipment Purposes; for a total of 12.0625 mils.

**MOTION: Upon motion of Mr. Bodden, seconded by Mr. Cotton, and unanimously carried, the Board adopted Resolution #2011-23, adopting the 2012 Tax Levy Resolution.**

**6.4. Resolution #2011-24, Fund Balance Classification Policy:** Ms. Bradley presented the Fund Balance Classification Policy Resolution #2011-24 in conjunction with the 2012 Budget, that designates how each fund balance is allocated and may be used for which purpose. The schedule reflects long-standing Township policy; it merely puts past practice into writing, to be added to our annual financial statements in compliance with Government Accounting Standards Bureau guideline #54.

**MOTION: Upon motion of Mr. Jones, seconded by Mr. Scanzillo, and unanimously carried, the Board adopted Resolution #2011-24, adopting the Fund Balance Classification Policy.**

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

**7.1. Decker-Watton Subdivision:** Mr. Nelson stated that siblings Nancy Decker and Nelson Watton jointly own a 10.894-acre lot upon which they wish to place a Conservation Easement. In aid of this, they wish to subdivide off the existing residence into a 2.026-acre parcel. The remaining 8.868 acres will be divided evenly and absorbed into the existing previously preserved acreage owned by Decker and Watton. The Township will acquire the Easement at a bargain sale cost of approximately \$30,000.00. In total, almost 36 acres of prime farmland will have been preserved by these parties, at little cost to the Township. These lands will be preserved in perpetuity and will never be subject to additional housing. Mr. Nelson requests the Board to waive subdivision restrictions, grant final subdivision approval, and to execute the final subdivision plans.

**MOTION: Upon motion by Mr. Cotton, seconded by Mr. Jones, and unanimously carried, the Board granted waiver of subdivision restrictions in compliance with Gilmore and Associates, Inc. Final Lot Line Adjustment Plan dated September 28, 2010.**

**MOTION: Upon motion by Mr. Bodden, seconded by Mr. Jones, and unanimously carried, the Board granted Final Subdivision Approval of Decker/Watton Lot Line Adjustment Plan as prepared by Gilmore and Associates, Inc., dated September 28, 2010.**

**MOTION: Upon motion by Mr. Bodden, seconded by Mr. Jones, and unanimously carried, the Board approved execution of the Decker/Watton Final Lot Line Adjustment Plan prepared by Gilmore and Associates, Inc., dated September 28, 2010.**

**7.2. 2012 Consortium Pipe Bid:** Ms. Bradley stated that she was informed by Mr. Fultz, Public Works Superintendent that the Township has an adequate supply of pipe in stock and does not see the need to order any

additional pipe in 2012. With Mr. Fultz's recommendation, Ms. Bradley asked that the 2012 Consortium Pipe Bid be tabled.

#### **8. Consent Agenda:**

**MOTION: Upon motion by Mr. Bodden, seconded by Mr. Jones, and unanimously carried, the Board approved the following Consent Agenda items: BuxMont Medical Legal and Engineering Escrow Release of \$7,293.75, leaving \$2,500 in escrow for the 18-month Maintenance period; and execution of Hatter Professional Services Agreement for construction of a single family dwelling on 27 acres on Upper Stump Road, with an escrow of \$5,000.00.**

**9. Board of Supervisors Comments:** Mr. Cotton reported that he attended a meeting where he met the newly appointed PA Secretary of Transportation, Barry Schoch. The Secretary spoke about the 4,000 to 5,000 defective bridges throughout Pennsylvania, with no funding to fix them. The only option may be to close many of the bridges. He also stated that there is no money for any new roads in the near future.

#### **10. Township Administration Comments:**

**10.1. VALIC Contract Amendment Resolution #2011-25:** Ms. Bradley reported that we received an amended VALIC 457 (b) Deferred Compensation Plan contract that required execution. The changes reflect recent legislative changes and may only affect one of the Township employees who are in the military reserves.

**MOTION: Upon motion of Mr. Jones, seconded by Mr. Bodden, and unanimously carried, the Board approved Resolution #2011-25, amending the existing VALIC Contract and authorizing the Township Manager to execute the Agreement.**

**10.2. Rankin Zoning Hearing:** Ms. Bradley stated that Mr. Craig Rankin had met with Township staff on November 30, 2011 to discuss his application to the Zoning Hearing Board to allow two principal uses at his business on County Line Road. He wished to convert part of his roofing business warehouse into an indoor batting facility. Ms. Bradley reported that Mr. Rankin had requested a continuance from the ZHB to provide the Board and ZHB with additional information.

**10.3. Execution of Video Sharing Agreement for PADOT 7-ITS Project:** Ms. Bradley stated that the Video Sharing Agreement with PADOT would allow the Township access to live and recorded video on portions of State highways related to the 202 Parkway.

**MOTION: Upon motion of Mr. Cotton, seconded by Mr. Scanzillo, and unanimously carried, the Board approved execution by the Chair and Manager of the Video Sharing Agreement with PADOT.**

**10.4. Resolution #2011-26 and Resolution 2011-27, Revised Minimum Municipal Obligations for Police and Non-Uniform Pension Plans:** Ms. Bradley reminded the Board that 2012 Minimum Municipal Obligation (MMO) Statements had been approved by the Board in September. Those MMO's had been based on the 2009 Actuarial Valuation Reports and called for payments totaling \$300,912.00 to the two pension plans. The new 2011 Actuarial Valuation Reports had been completed and revised MMO Statements would need to be adopted and executed. The revised payments now total \$296,783.00.

**MOTION: Upon motion of Mr. Scanzillo, seconded by Mr. Bodden, and unanimously carried, the Board approved Resolution #2011-26, adopting the Revised Police Pension Plan MMO of \$232,172.00 and authorizing the Township Manager to execute the Statement.**

**MOTION:** Upon motion of Mr. Scanzillo, seconded by Mr. Bodden, and unanimously carried, the Board approved Resolution #2011-27, adopting the Revised Non-Uniform Pension Plan MMO of \$64,611.00 and authorizing the Township Manager to execute the Statement.

**10.5. Cancellation of December 19, 2011 Board of Supervisors Meeting:** In light of a lack of anticipated business items, Ms. Bradley respectfully asked the Board to cancel the December 19, 2011 Board of Supervisors Meeting.

**MOTION:** Upon motion by Mr. Scanzillo, seconded by Mr. Bodden, and unanimously carried, the Board approved the cancellation of the Board of Supervisors Meeting scheduled for December 19, 2011.

**11. Solicitor Comments:** Mr. Kennard reported that the Madison/BPG Plan review had been completed and there are minimal comments. He stated that the plans should be presented to the Board sometime early next year.

There were no Solicitor comments at this time.

**12. Other Business:** There was no Other Business at this time.

**13. Public Comment:** There was no Public Comment at this time.

**14. Payment of Bills:** List dated 12/01/11 for \$42,094.71

**MOTION:** Upon motion by Mr. Jones, seconded by Mr. Scanzillo, the Board unanimously approved the Bills List dated December 1, 2011 for \$42,094.71.

**15. Adjournment:**

**MOTION:** There being no further business or comment, a motion was made by Mr. Cotton, seconded by Mr. Bodden, and unanimously carried, to adjourn the Meeting at 8:45 p.m.

**NEW BRITAIN TOWNSHIP BOARD OF SUPERVISORS**

\_\_\_\_\_  
Helen B. Haun, Chair

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William B. Jones, Vice Chair

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A. James Scanzillo, Member

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Robert V. Cotton, Member

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John A. Bodden, Member

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