

**BOARD OF SUPERVISORS  
MEETING MINUTES  
May 7, 2018**

A Regular Meeting of the New Britain Township Board of Supervisors was held on Monday, May 7, 2018, 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 Helen B. Haun, Members William B. Jones, III and Cynthia M. Jones. Also present were Township Manager Eileen M. Bradley, Township Solicitor Peter Nelson, Esq., and Township Engineer Janene Marchand. Supervisor Gregory T. Hood was absent.

**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 personnel issues and land acquisition.

**4. Consideration of New Business:**

**4.1. Giant Application for Transfer of Liquor License (Resolution #2018-09):** A stenographic record was taken for the Application for Transfer of Liquor License portion of the meeting. Appearing for the Applicant, Giant Foods, was Ellen Freeman, Esq. and Colin Heap of Giant Specialty Products Division. Ms. Freeman stated that Giant was proposing adding a beer garden eatery. With enactment of Act 39, Giant had purchased their first liquor license and began selling beer and wine in 2009. Ms. Freeman stated that Giant had done this at 65 other locations throughout the region.

Ms. Freeman stated that they would be purchasing an eating-place license currently registered in Nockamixon Township that allows the sale of beer only, but would convert it to a restaurant license that would allow the sale of beer and wine when accompanied by food in a designated seating area. The Beer Garden Eatery would be located in the front left side of the store and would be the only location customers could purchase alcohol. Dine-in customers could only drink beer and were limited to consuming two beers on premises with the purchase of food. All patrons would be asked for age appropriate identification. Hours of operation would be Monday through Saturday from 7:00 am to 10:00 pm and Sunday from 9:00 am to 10:00 pm. Sales would also include limited amounts of carryout sales (two six-packs of beer or four bottles of wine).

Ms. Freeman added that all employees that work in this area participate in Giant's Responsible Alcohol Management Program (RAMP), where they learn to identify fake IDs, procedures to deny sales and to notify the proper authorities.

Mr. Heap reviewed the physical area proposed for the Beer Garden. A wall would be removed and bollards installed to delineate the beer garden area from the supermarket, with shelves and beer cases that locked individually. Construction was planned for the fourth quarter of this year.

Mrs. Jones asked if the hours of operation of the Beer Garden varied from that of the supermarket. Mr. Heap stated that the Beer Garden would close two hours prior to the grocery store, which closed at midnight.

Mr. Scanzillo called for public comment on this issue.

Ms. Michelle Butler of E. Fairwood Drive stated that perhaps having a place such as a supermarket sell alcohol was not the best idea for those attempting sobriety.

Mr. Richard Sampson of Diane Drive asked if the restrooms would still be accessible to all individuals. Mr. Heap confirmed that they would, along with all food items.

The Board was presented with two drafts of Resolution #2018-09, one approving license transfer and one denying transfer.

**MOTION: Upon motion by Mr. Jones, seconded by Mrs. Haun, the Board unanimously approved Resolution #2018-09, approving Giant's Application for Transfer of a Liquor License to New Britain Township.**

**4.2. Labrozzi Stormwater Waiver Request:** Appearing for the Applicant was Mr. John Koutsouros, P.E. of Carroll Engineering. Mrs. Marchand presented the Board with background on the Labrozzi property, 16.9 acres that required significant preservation of natural resources and stormwater management to construct a single-family home. Mrs. Marchand stated that a 13.9-acre conservation easement would be placed on the property. The applicant was seeking two waivers: a reduction in stormwater rate management and a change in the method of stormwater management calculation. Mrs. Marchand stated she was inclined to support the waiver requests.

**MOTION: Upon motion by Mrs. Haun, seconded by Mrs. Jones, the Board unanimously approved to grant the Stormwater Waiver Requests for the Labrozzi Single-Family Dwelling.**

**5. Public Comment on Non-Agenda Items:** Mrs. Michelle Butler Drive stated that she wished to speak about the Sober Living facility at 102 Harrison Forge Court. She stated that she was seeking active involvement by the Township in support of the neighbors against 102 Harrison Forge Court and the withdrawal of the Certificate of Occupancy for that location. The neighbors were appealing the Zoning Hearing Board's ruling to uphold issuance of a Certificate of Occupancy. The current Zoning Ordinance should provide for a specific and appropriate place for sober homes. Residents had forwarded complaints to the Township claiming that a service business was being conducted from 102 Harrison Forge Court, and had received responses from the Zoning Officer.

Ms. Butler stated the Township's response was that the use did not meet the definition of a personal service use or service business use. Mrs. Butler stated that she was upset by the omission of the phrase "but not limited to" when the Township referenced the types of businesses that fell under a professional service business. Ms. Butler also disagreed with the Township's determination that the Americans with Disability Act (ADA) and Federal Housing Act (FHA) interpret that a sober house be treated as a Single Family Dwelling.

Ms. Butler stated that she filed a second complaint on March 12, 2018 and a third in April 2018, all related to business uses and refuting the Township's claims that the ADA and FHA mandate that a sober house be treated as a single-family dwelling. Ms. Butler asked that the Zoning Hearing Board require Foundation House to provide leases and proof that residents were a family. The complaint also asked how it was possible that sober houses were not required to hold any certifications or licenses that need to be recognized. Ms. Butler stated that no response had been given by the Township to date. Ms. Butler provided the Board with copies of all the available complaints and responses. Ms. Butler asked the Board to enforce the current Zoning Ordinance and to hold Foundations House to the same standards as everyone else.

Kerri Zwiebel of Nottingham Place stated that her experience with the sober home in New Britain Walk located next door to her was that residents routinely changed over on a weekly basis.

Ms. Butler stated that she had a similar experience with the house on Harrison Forge Court and that the house was currently vacant. Ms. Bradley asked if Ms. Butler knew the date on which the property became vacant. Ms. Butler stated that she could forward that information.

Solicitor Peter Nelson stated that the Zoning Hearing Board is a separate entity from the Township and has their own attorney. He stated the Zoning Hearing Board Attorney is responsible for submitting the record to the Court of Common Pleas and as a result does not fall under the oversight of the Board of Supervisors. Mr. Nelson stated that the Township was facing the issue of federal laws that supersede local zoning ordinances and that definitions in local zoning ordinances cannot be applied to federal law. There are sober houses all over the country and in every municipality in Bucks County. Everyone faces the same federal regulations.

Ms. Zwiebel asked why the residents of the sober home are protected and not the surrounding residents and their children that are being terrorized by this issue. Mr. Nelson stated that federal law and court cases clearly say sober houses are not subject to “transient” zoning issues, as federal law is based on intention. Until current federal and State laws change, sober homes and their residents will be afforded the protection of these laws.

Mrs. Jones asked if the Township could look into placing these homes into less densely populated areas of the Township. Mr. Nelson stated that sober homes cannot be treated any differently and must be treated the same as a family living in a single-family dwelling.

Scott Butler of E. Fairwood Drive stated that the Township could choose to fight and instead he felt the Board had just rolled over.

Mr. Scanzillo stated that the Board had not rolled over, but made prudent decisions based on counsel’s advice and the Board’s fiduciary responsibility to all the residents of New Britain Township. He stated that the issue has been moving its way through the proper channels from the Zoning Hearing Board to the Court system, and was currently in the Court of Common Pleas.

Ms. BJ Shandler of Nottingham Place stated she found it unfathomable that residents had no protection and asked how we knew the residents of the sober house had not committed a crime.

Ms. Zwiebel asked if anyone had experienced what she and her family had experienced on a daily basis, as they are constantly using foul language that her children should not hear.

Mr. Seth Friedman of E. Fairwood Drive expressed concern about selling his house.

Mr. Garth Schuler of Cambridge Place asked if there was any protection in New Britain Walk being a “Drug-Free School Zone” or another law enforcement measure that might help.

Chief Scafidi stated that immunity laws prohibit prosecution when police are called to the scene of an overdose. He stated that the Township had seen a number of different group homes over the last 30 years. This type of residence was not new to the Police Department.

Ms. Sandy Cho of E. Fairwood Drive stated that she understood that it would be a difficult undertaking, but would like the Township to fight against these sober homes.

Mr. Nelson stated that the Township had been dealing directly with this issue for over two years, and he had been dealing with them for over twenty years as a municipal attorney. He had researched the topic extensively. If he felt there was a path the Township could have taken, he would have recommended it already, before the first home in New Britain Walk was established. As Township solicitor, he must weigh the risks versus rewards

of all issues, and then advise the Board. Based on his research, the likelihood of winning was miniscule. Losing could open the Township, and its taxpayers, to huge financial penalties.

Mr. Joe O'Donnell of Harrison Forge Court expressed concern with profanity from the Sober Home.

Mrs. Jones asked if they were disturbing the peace, could residents call the police. Mr. Nelson said that if they are disturbing the peace, residents could and should absolutely call the Police. Ms. Butler stated that the residents are not willing to say their hands were tied. She stated that they would be exploring all avenues to address the issue and that the ultimate goal was to hold them accountable.

Mr. Jones asked if the McCabe Appeal Hearing would be an opportunity to have the case opened to new information. Mr. Nelson said that potentially, yes, if the judge allowed it.

Mr. Steve Delaney of East Fairwood Drive asked if there was no winning strategy. Mr. Nelson stated there were court cases where the sober homes have lost, but in those cases, the outcome was a result of the sober home's failure to mount an adequate defense rather than anything the municipality presented. Mr. Nelson encouraged residents to speak with their state and federal representatives on this issue, as those were the individuals that could help affect a positive change for this issue.

Ms. Amy Polis of Cambridge Place asked where the Board's compassion for this issue was. Mr. Scanzillo stated that residents should not mistake their lack of comment for a lack of compassion. Supervisors must keep an open mind on all issues, but sympathized with residents on this issue.

Mr. Brad Baker of E. Fairwood Drive asked if the recent Zoning Amendment would prevent future sober living facilities. Mr. Nelson stated that the changes would require any future homes of a similar nature to apply for a variance. This would require the neighbors within 500 feet to be notified and would have opportunity to comment and make appeals. A byproduct would be that it would make it more difficult in the future to establish one without notifying residents first.

Mr. Scanzillo thanked the residents for their input.

## **6. Approval of Minutes:**

### **6.1. Minutes of Meeting of April 16, 2018:**

**MOTION: A motion was made by Mrs. Haun, seconded by Mr. Jones and unanimously approved to accept the April 16, 2018 Minutes as written.**

## **7. Departmental Reports:**

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

## **9. Consent Agenda:**

**MOTION: Upon motion by Mrs. Jones, seconded by Mrs. Haun, the Board unanimously approved the following Consent Agenda items: Casadonti Homes, Inc. agreements for construction of a single-family home on Creek Road; Declaration of Natural Resource Protection Easement; and a Stormwater Facilities Operation and Maintenance Agreement with guaranteed maintenance fee of \$795.35; Execution of a Professional Services Agreements with Giant Food Stores, LLC for development of the New Britain Village Square Store for TMP #26-005-049-002,**

**4275 County Line Road, with corresponding legal and engineering escrow of \$2,000.00; Execution of a Professional Services Agreement with Dejana Truck and Utility Equipment, LLC for development of their property for TMP #26-001-100-003, 121 Liberty Lane, with corresponding legal and engineering escrow of \$5,000.00; Contract for \$175,000.00 with Michael Baker International for final design work for the Neshaminy Greenway Trail Project (Bristol Road to Upper State Road); Execution of a Professional Services Agreement for demolition of an existing dwelling and construction of a single-family home for TMP #26-003-099, 875 Myers Road, with corresponding legal and engineering escrow of \$5,000.00.**

**10. Board of Supervisors' Comments:** Mrs. Haun stated that North Wales Water Authority and North Penn Water Authority held a bus trip to the new pumps at the Bradford Reservoir.

Mrs. Jones stated she learned a lot at the recent PSATS Annual Conference in Hershey and enjoyed attending for the first time.

**11. Township Administration Comments:**

**11.1. Consortium Sign Materials Contract Award:** Ms. Bradley stated that the Bucks County Consortium Sign Materials Bid had been let and Public Works Superintendent Wayne Fultz recommended awarding contracts to two apparent low bidders: Garden State Highway Products for all signs and materials; and Chemung Supply for all street signposts.

**MOTION: Upon motion by Mrs. Haun, seconded by Mr. Jones, and carried unanimously, the Township's 2018-2019 Sign Materials Contract was awarded to Garden State Highway Products, Inc. for street signs and materials; and to Chemung Supply, Inc. for signposts.**

**11.2. Woodrow Zoning Hearing:** Ms. Bradley stated that on Thursday, May 17, 2018 at 7:00 p.m., the Zoning Hearing Board would consider the application of Scott Woodrow and Laura Hudson of 285 Old Limekiln Road, TMP #26-004-005-003 for several variances to install an inground pool within the front yard setback (30 feet), nine feet from the side property line and twelve feet from the dwelling. Interested parties were invited to attend. The Board took no action.

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

**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 April 27, 2018 for \$14,517.54:**

**MOTION: Upon motion by Mrs. Jones, seconded by Mrs. Haun, the Board unanimously approved the Bills List dated April 27, 2018 for \$14,517.54.**

**15.2. Bills List dated May 3, 2018 for \$66,586.05:**

**MOTION: Upon motion by Mrs. Jones, seconded by Mrs. Haun, the Board unanimously approved the Bills List dated May 3, 2018 for \$66,586.05.**

**16. Adjournment:**

**MOTION:** There being no further business or comment, a motion was made by Mr. Jones, seconded by Mrs. Jones, and unanimously carried, to adjourn the meeting at 9:10 p.m.

**NEW BRITAIN TOWNSHIP BOARD OF SUPERVISORS**

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

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Helen B. Haun, Vice Chair

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William B. Jones, III, Member

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Gregory T. Hood, Member

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Cynthia M. Jones, Member

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