

**BOARD OF SUPERVISORS
MEETING MINUTES
April 8, 2013**

A Regular Meeting of the New Britain Township Board of Supervisors was held on April 8, 2013 at the Township Administration Building, 207 Park Avenue, New Britain Township, PA, beginning at 7:05 p.m. Present were Supervisors: A. James Scanzillo, Helen B. Haun, John A. Bodden, Robert V. Cotton, and William B. Jones. Also present were Township Manager Eileen M. Bradley, Township Engineer Craig Kennard, and Township Solicitor Peter Nelson.

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 at 6:00 p.m. to discuss land acquisition and personnel issues. Action on Resolution #2013-09 was tabled for a future meeting.
4. **Public Comment:** There was no Public Comment at this time.
5. **Approval of Minutes:**

5.1. Minutes from March 18, 2013 Board of Supervisors' Regular Meeting:

MOTION: A motion was made by Mrs. Haun, seconded by Mr. Jones and carried unanimously, to approve the March 18, 2013 Minutes as written.

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

7. Consideration of Old Business:

- 7.1. **Ordinance 2013-04-01: Table of Uses Amendment:** Mr. Scanzillo opened the Public Hearing for a proposed ordinance to amend the Table of Uses in Zoning Ordinance to clean up inconsistencies.

Mr. Scanzillo closed the Hearing.

MOTION: A motion was made by Mr. Bodden, seconded by Mrs. Haun to approve Ordinance #2013-04-01, amending the Table of Uses in the Zoning Ordinance.

- 7.2. **Wordsworth/Pine Valley Crossing Associates Sketch Plan:** Appearing for the Applicant, Pine Valley Crossing Associates, were Mr. Robert Gundlach, Esquire and Mr. Chuck Frantz, P.E. Mr. Peter Nelson presented key points of a proposed Amended Stipulated Agreement for the Wordsworth Property, located at the corner of Ferry and Old Iron Hill Roads. The Stipulated Agreement required approval by the parties (New Britain Township, Wordsworth Academy and Pine Valley Crossing Associates) and the Commonwealth Court in order for the design process of the property to move forward.

The Key requirements of the stipulated agreement state that: no more than 36 Single-Family Homes can be constructed on the site; a boulevard entrance with a grass strip is required; \$100,000 will be paid to the Township for public improvements; \$90,000 will be paid in lieu of Park and Recreation; all stormwater easements, access easements and developer agreements are to be posted with escrow, as approved by the Township Solicitor; the Township Zoning Officer will issue a determination letter to be advertised granting a 30-day appeal period; the existing pond will be removed only with authorization of all State and Federal agencies; the Developer will continue to work with the neighbors in regard to stormwater management and buffering; a Homeowners Association (HOA) will be created to maintain the basin and other

on site improvements; and all zoning not outlined in the Stipulated Agreement must comply with the Township Zoning Ordinance. Once fully executed and approved by the Court, this Stipulated Agreement will replace the 1998 Stipulated Agreement, thereby removing the Institutional Use from the site.

Mrs. Teresa Browngold of Ferry Road stated that she thinks it is a plus that this Stipulated Agreement will replace the existing Stipulated Agreement that allows Institutional Use. Mrs. Browngold also stated that if the developer or anyone else acquires the 2 acres from the property next to Wordsworth, by right they could put in a development that has a higher density, perhaps 60 homes.

Mr. Robert Showalter of Old Iron Hill Road urged the Board to earmark the \$100,000 for a trail to Peace Valley Park. He also inquired if the stormwater piping would be going all the way down to the creek. Mr. Craig Kennard stated that the Developer had not committed to running the pipe to the creek, but it was his recommendation that the \$100,000 contribution not be tied to the trail so that it could be used for possible public improvements, such as extending a pipe to the creek.

Mr. William C. Weiss of Ferry Road stated that he was opposed to 36 homes, not residential development and would like to know what can reduce the number of homes from 36. Mr. Kennard stated that if the developer did not get approval to remove the pond, which could reduce the number of homes.

Mr. Roger Miller of Sunnybrook Drive stated that he had concern that piping did not go to the creek. He did state that he trusted the Board of Supervisors to make it work.

Mr. Robert Pritchard of Brookdale Drive stated he had concern with the traffic at Ferry Road and Old Iron Hill Road and believed that a left turning lane from Ferry Road onto Old Iron Hill Road towards the Covered Bridge should be installed. Mr. Kennard stated that if the Supervisors decide to require that turning lane, the project might not happen. The intersection is under PennDOT jurisdiction and they have the final say on the road improvements.

Mr. Alan Gold of Old Iron Hill Road stated he had written a letter, circulated to the audience and to be published in the newspaper, stating that he believed that he was opposed to the plan.

Ms. Heather Burnhardt of Sunnybrook Drive stated that 36 homes were too dense.

Mr. Ron Garges of Brookdale Drive stated that water comes across his property from an adjoining property, but any improvement would be welcome.

Ms. Jill Gallagher of Harrison Forge Court asked if the proposed stormwater management would help with flooding on Harrison Forge Court. Mr. Kennard said that the closer someone lived to the Wordsworth property, the greater the positive impact would be.

Mr. John Walp of Sunnybrook Drive stated that he believed the pipe should be taken all the way down to the creek.

Mr. Siegfried Geisel of Sunnybrook Drive stated that he believed the Township should require the pipe to go to the creek. Mr. Bodden stated that there were many requirements being imposed on the Developer. If the Stipulated Agreement was not amended and an Institutional Use is constructed on site, the Township would not be able to impose any improvements, as the current Stipulated Plan was approved by the State Supreme Court.

Mr. Roger Miller of Sunnybrook Drive suggested the stipulated agreement state that either the Township or Developer would guarantee that the pipe would go to the creek and that there would be no water problems for Sunnybrook or Brookdale Drives. Mr. Nelson stated that the Board would work to relieve stormwater issues, but no one could guarantee there would be no future issues.

Mr. Kevin Murray of Brookdale Drive inquired if a developer built the original 1998 Stipulated Plan, they could do no stormwater improvements. Mr. Nelson stated that is the case. Mr. Murray then asked if the pipe goes only so far, but it is

determined that it needs to go further, could the \$100,000 go toward that end. Mr. Nelson said that was an option the Board could take.

Mrs. Ann Pritchard of Brookdale Drive stated that water runoff in the area was a disaster and the pipe should be required to go to the stream.

Mrs. Susan Conrad of Sunnybrook Drive expressed her concern with wells becoming contaminated from runoff from the proposed houses.

Mrs. Jennifer Miller of Brookdale Drive stated that she supported the residential developing of the Wordsworth Property. Her property backed up to the Wordsworth property and she did not want to see an Institutional Use on the site. She believed that the proposed stormwater management would be better than what was existing.

Mr. W.C. Weiss asked if there would be landscaping along all property borders. Mr. Nelson stated that the Ordinances required buffering along all sides; the adjoining property owners would have input on what was installed.

Mr. Scanzillo asked Mr. Robert Gundlach if the applicant would be willing to install a stormwater pipe the full distance to the creek. After a five-minute recess, Mr. Gundlach stated that there were issues with whether or not the existing piping could be used or if it would all need to be replaced. If all piping needed to be replaced, it would drive up the cost. Mr. Gundlach stated that if the Township were willing to use the \$100,000 to extend the pipe, the Developer would cover the costs of engineering investigation. A full stormwater analysis and inspection would need to be completed. Mr. Franz stated that he would need multiple weeks to do the field investigation and survey. Mr. Kennard added that there are many variables and the stormwater should be fully engineered before making any final decisions.

Mr. Bodden asked what would happen if the pipe were not extended. Mr. Franz stated that extending or not extending the pipe depended on how the stormwater was handled on the site.

Mr. Pritchard of Brookdale Drive asked if the Board would defer their decision until after the report was completed. Mr. Gundlach stated that was expensive to fully engineer with no guarantee of approval; however, the applicant was committed to on site stormwater management.

Ms. Danielle Mallet of Brookdale Drive stated that she was in favor of the project and believed that the stormwater issues would be addressed and the developer was willing to work with the neighbors.

Mrs. Lucille Miller of Sunnybrook Drive had a concern with the size of the basin and asked that if during the development process it is discovered that the basin is not large enough, would the Township require it be enlarged. Mr. Kennard stated that the Township would require the basin to be as large as needed and it would be the developer's choice to decide how that might happen.

Mr. Bodden stated that the plan must be the best it can be for the best interest of New Britain Township.

Mrs. Haun stated that there are many good points and bad points to the project, and as much as she believed 36 homes was too many, she wished to try to do what was best for the Township.

MOTION: A motion was made by Mr. Bodden, seconded by Mr. Jones, to approve the Stipulated Agreement as written, amending the 1998 Stipulated Agreement NO. 89-5971-16-5, with the addition of the following language: "In addition, Developer shall complete and provide to the Township prior to preliminary plan approval a full stormwater management study, done to the reasonable satisfaction of the Township Engineer, to determine the necessity, cost, and means of installing storm piping along Old Iron Hill Road from the Property to the Creek (Pine Run)." The motion passed on a vote of four (4) to one (1), Robert V. Cotton opposed.

Mr. Scanzillo thanked the residents for all their participation.

8. Consideration of New Business:

8.1. Little Farms Estates Addendum to Easement Agreement: Ms. Bradley stated that the owners of Little Farm Estates wished to amend their existing Easement Agreement with the Township to allow the erection of a 2,304 square foot Pole Barn. In exchange for the added impervious that the Pole Barn would create, the owners were willing to relinquish rights to the future construction of three manufactured homes, or approximately 6,000 square feet of impervious.

MOTION: A motion was made by Mr. Jones, seconded by Mr. Bodden, and unanimously carried to approve Little Farm Estates Addendum to Easement Agreement for installation of a Pole Barn.

8.2. ZHB Application of Robert Walstenholme/W.B. Roots, LLC: Ms. Bradley stated that an application to the Zoning Hearing Board had been submitted for the property located at 82 New Galena Road, requesting variances to construct an additional accessory dwelling and more than one principal use.

Mrs. Haun stated that the property owner should have to subdivide.

The Board authorized the Township Manager to attend in opposition to the application.

9. Consent Agenda:

MOTION: Upon motion by Mr. Bodden, seconded by Mrs. Haun, and unanimously carried, the Board approved the following Consent Agenda item: McIntyre Stormwater Management Agreement.

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

11. Township Administration Comments:

11.1. Appointments and Committees Resolution #2013-13: Ms. Bradley requested the appointment of Sandra Chambers as the Police Clerk at a rate of \$16.43 per hour and full benefits, effective April 15, 2013. Resolution 2013-13 reflected the change in that position.

MOTION: A motion was made by Mrs. Haun, seconded by Mr. Bodden, and unanimously carried to approve Resolution #2013-13, appointing Sandra Chambers to the position of Police Clerk.

11.2. Route 309 ITS Project Cooperative Agreement and Traffic Signal Maintenance Agreement: Ms. Bradley noted that PennDOT was ready to proceed with the Route 309 IT project, similar to the Route 202 Parkway ITS project, with similar paperwork. The only affected intersection in New Britain Township was the intersection at Hilltown Pike and Route 309.

MOTION: A motion was made by Mr. Jones, seconded by Mr. Bodden, and unanimously carried to approve the Route 309 ITS Project Cooperative Agreement and Traffic Signal Maintenance Agreement, subject to review by the Township Solicitor.

12. Solicitor and Engineer Comments: Mr. Kennard reported that Madison Apartments had requested Use and Occupancy for two apartment buildings and the Club House. Gilmore and Associates would be issuing a letter to the Township stating that Temporary Occupancy would be granted. Occupancy was scheduled for April 15, 2013.

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

14. Public Comment: There were no comments at this time.

15. Payment of Bills:

15.1. Bills List dated March 25, 2013 for \$4,135.42:

MOTION: Upon motion by Mr. Jones, seconded by Mr. Cotton, the Board unanimously approved the Bills List dated March 25, 2013 for \$4,135.42, subject to review of payment to Officer Zielinski for \$462.00.

15.2. Bills List dated April 4, 2013 for \$143,861.48:

MOTION: Upon motion by Mr. Jones, seconded by Mrs. Haun, the Board unanimously approved the Bills List dated April 4, 2013 for \$143,861.48.

16. Adjournment:

MOTION: There being no further business or comment, a motion was made by Mr. Bodden, seconded by Mr. Jones and unanimously carried, to adjourn the meeting at 9:05 p.m.

NEW BRITAIN TOWNSHIP BOARD OF SUPERVISORS

A. James Scanzillo, Chair

Robert V. Cotton, Vice Chair

John A. Bodden, Sr. Member

Helen B. Haun, Member

William B. Jones, III, Member

Attest: _____
Eileen M. Bradley
Secretary/Manager