

**BOARD OF SUPERVISORS
MEETING MINUTES
November 8, 2010**

A Meeting of the New Britain Township Board of Supervisors was held on November 8, 2010, at the Township Administration Building, 207 Park Avenue, New Britain Township, PA, beginning at 7:00 p.m. Present were Supervisors: Chairman Jack Bodden, Helen Haun, William B. Jones, and Robert V. Cotton Also present were: Eileen Bradley, Township Manager; Cathy Kichline, Assistant Manager; Chief Robert Scafidi; Erik Garton, Township Engineer; and Peter Nelson, Solicitor.

1. Call to Order: Mr. Bodden called the Meeting of the New Britain Township Board of Supervisors to order at 7:00 p.m.

2. Pledge of Allegiance. Mr. Bodden led the Board and audience in the Pledge of Allegiance

3. Announcements from the Chair: None.

4. Public Comment: None.

5. Approval of Minutes of November 1, 2010 Board of Supervisors Work Session:

MOTION: Upon motion of Mr. Jones, seconded by Mr. Scanzillo, the Board unanimously approved the Minutes of the November 1, 2010 Board of Supervisors Work Session.

6. Consideration of Old Business: None

7. Consideration of New Business:

7.1 Presentation of 2011 Preliminary Budget:

Ms. Bradley presented the 2011 Preliminary Budget to the Board and audience. Ms. Bradley informed the Board that we are able to maintain current levels of service. While the budget can be balanced without a tax increase, there is no provision for capital improvements. This budget proposes a one-mill increase to the Capital Improvements, Infrastructure and Equipment Fund. The \$166,000 in revenue raised by the one mill increase will go toward the debt service or direct cost of making infrastructure improvements to repair and/or replace five bridges that are currently being inspected by structural engineers. Additionally, the Township is required to purchase by 2012 new radios for police, fire and EMS estimated at a minimum of \$150,000.00. The radios are required by the FCC for narrow banding of radio frequencies.

Ms. Bradley also informed the Board that as part of the budgetary process, it was determined that Street Light District rates would be raised to cover current costs inclusive of the new PECO rates as well as a 10% capital contribution for future upgrades and repairs.

Mr. Bodden thanked Ms. Bradley and staff for their diligent work on the 2011 budget. Mr. Cotton commented the one mill increase to Capital Improvements is necessary for the repair/replacement of bridges and new radios.

MOTION: Upon motion by Ms. Haun, seconded by Mr. Jones and unanimously approved, the Board approved the 2011 Preliminary Budget as presented and directed staff to advertise and make available for public inspection for 20 days.

The 2011 Preliminary Budget will be available for public inspection weekdays from 8:30 a.m. to 3:30 p.m. at the New Britain Township Building, 207 Park Ave., Chalfont, PA 18914. Final passage of the 2011 Budget is scheduled for Monday, December 13, 2010 at the 7:00 p.m. Regular Meeting of the Board of Supervisors.

7.2 St. Jude's Release and Project Closeout: Mr. Garton informed the Board Gilmore & Associates has performed a final inspection for Phase I of the site improvements. It was noted all items in Gilmore's September 24, 2009 punchlist letter have been completed. Upon recommendation by Gilmore and Associates, the Township may close out the project and allow the current Letter of Credit to expire.

MOTION: Upon motion by Mr. Cotton, seconded by Mr. Jones, the Board unanimously approved St. Jude Project closeout allowing the Letter of Credit to Expire.

7.3 Vertis Building Addition Waiver Request.

The applicant, Vertis Corporation, submitted a request of the Board of Supervisor's to waive Section 712.4.I of the Subdivision and Land Development Ordinance outlining freeboard requirements.

Upon recommendation by Gilmore & Associates, it is agreed the as-built basin can function properly with the reduced freeboard through the spillway resulting from a decrease in the constructed berm elevation. Given the potential for erosion and damage that disturbing the stabilized berm could cause, a waiver from Section 712.4.I. would be acceptable.

MOTION: Upon motion by Mrs. Haun, seconded by Mr. Scanzillo, the Board unanimously approved the request for a waiver of Section 712.4.I of the Subdivision and Land Development Ordinance.

7.4 New Britain Corporate Center Lots 1, 2, 3 & 4: Request to defer Financial Security as a condition of building permit approval for Lot #2 and consideration of reduction of Financial Security and consolidation of Financial Security for Lot #4:

At the October 11, 2010 meeting, the Board considered the request of Mr. Riviezzo that no additional security is posted until the time of building permit issuance for Lot #2, as the remaining items on the Letter of Credit consist of only on-lot improvements associated with Lot #2. The Township Solicitor and Township Engineer believe this request is reasonable and recommend the Board defer Financial Security as a condition of building permit approval for Lot #2.

The Board also considered the request of Mr. Riviezzo to reduce the Financial Security on lot #4 since the amount held is equal to \$1,206,443.37, and the remaining construction left to be completed is \$202,678.17. Mr. Riviezzo has requested the remaining escrow be released and the owning entity would post a combined bond in the amount of \$300,000. The Township Solicitor and the Township Engineer believe this request is reasonable given the limited amount of remaining construction items and the fact that none of the remaining items are public improvements. Mr. Riviezzo has offered to post Financial Security in an amount 30% higher than required, the amount is appropriate to cover inflation and other miscellaneous maintenance items that might arise.

At that time, a motion was made to approve the recommendations of the Township Solicitor to explore a demand bond rather than maintenance bond and directed the Township engineer to prepare an escrow release certificate for Lot #4 prior to expiration of the Letter of Credit on November 13, 2010.

At present a demand bond has not been furnished to the Board, therefore, upon recommendation by Mr. Nelson, the Board should call the developer in default.

MOTION: Upon motion by Mr. Jones, seconded by Mrs. Haun, the Board unanimously called New Britain Land Limited Partnership in default of Letter of Credit #4066, held with Sovereign Bank, conditioned upon providing another form of acceptable security prior to the expiration date of November 13, 2010.

8. Board of Supervisors Comments:

Mr. Bodden reminded the Board and audience that a Veteran's Day Ceremony will be held on November 11 at 11:00 a.m. at the North Branch Veteran's Monument. Mr. Cotton commented that it has already been one year since the monument was erected and dedicated to those men and women of the community who have served our country. Ms. Bradley informed the Board and audience the Veteran's Ball for 2010 has been cancelled.

9. Township Administration Comments: None

10. Solicitor & Engineer Comments: None

11. Other Business: None

12. Public Comment: Mr. Karl Brosious indicated he has gone before the Zoning Hearing Board to seek a variance from 27-2104(b) of the Zoning Ordinance to allow a proposed lane lot with a lot size of 7.76 acres where the minimum lot size for a lane lot is 10 acres. Mr. Brosious pointed out he opposes deed restricting these lots from further development as recommended to the Zoning Hearing Board by the Board of Supervisors. Ms. Bradley informed Mr. Brosious that this could be discussed during the land development process.

13. Payment of Bills: List dated 10/26/10 for \$9,384.04 and list dated 11/5/10 for \$153,770.00.

MOTION: Upon motion by Mr. Jones and seconded by Mrs. Haun, the Board unanimously approved the bill lists as presented.

14. Adjournment: Being no further business, and upon motion by Mrs. Haun, seconded by Mr. Scanzillo the Board adjourned the meeting at 7:50 P.M.

NEW BRITAIN TOWNSHIP BOARD OF SUPERVISORS

John A. Bodden, Chair

Helen B. Haun, Vice-Chair

James Scanzillo., Member

Robert V. Cotton, Member

William B. Jones, Member

Attest: _____
Eileen M. Bradley
Secretary/Manager