

**BOARD OF SUPERVISORS  
MEETING MINUTES  
July 9, 2012**

A Specially Advertised Meeting of the New Britain Township Board of Supervisors was held on Monday, July 9, 2012 at Unami Middle School, 160 Moyer Road, Chalfont, PA, beginning at 7:00 p.m. Present were Supervisors: Chair William B. Jones, Vice Chair A. James Scanzillo, Members John A. Bodden, Robert V. Cotton and Helen B. Haun. Also present were: Township Solicitor John Rice, Township Engineer Craig Kennard, and Township Manager Eileen M. Bradley.

**1. Call to Order:** Mr. Jones called the Meeting to order.

**2. Pledge of Allegiance:** Mr. Jones led the Board and audience in the Pledge of Allegiance.

**3. Announcements:**

**4. Consideration of Old Business:**

**4.1. Brittany Farms Curbing:** Mr. Jones stated that since curbing was discussed at the May 21, 2012 meeting, the Public Works Superintendent and the Township Engineer went back out to re-inspect the curbing that was previously marked for verification. The curbing to be replaced is severely deteriorated, and in many cases, nonexistent. This curbing will not withstand the milling and paving process. Curbing that will last ten more years was not marked for replacement. The majority of properties have 10 to 20 feet of curbing requiring replacement; some have 50, 60, or 100 feet.

**5. Board of Supervisors Comments:** Mr. Jones stated that whatever the Board decided to do in Brittany Farms with regard to curbing would be the precedent for all developments. He also stated that the Board was aware that the curbs might have been damaged by snowplows over the years, but the curbs are also 60+ years old. Mr. Scanzillo said that the Board was not singling out Brittany Farms and that the Commonwealth of Pennsylvania Second Class Township Code as well as Township Ordinances state that it is the responsibility of the homeowner to maintain curbs and sidewalks. Mr. Bodden added that he sympathizes with the homeowners and that the Board was trying to be fair by giving homeowners an extended period of time to pay for the curbs, therefore making it more affordable.

Mr. Jones stated that there are different options that can be pursued to accomplish curb replacement. One option being that the Township could put a contract out to bid in February 2013 for approximately 1,200 linear feet of curbing and then bill each resident for his or her portion of replaced curb at the exact contractor's price. New Britain Township would work out payment terms / schedules for those homeowners that cannot afford to pay their bill outright. The residents who do not pay their bill within a given period will have a lien placed on their property for the full amount plus interest and legal charges. Other options to consider would be for New Britain Township to absorb the entire cost of replacement, or increase millage to create a reserve of funds to do similar work in the future.

**6. Township Administration Comments:** Ms. Bradley read an email from Mr. Kevin O'Malley of Devon Road that stated he strongly objects to distributing the cost of curb repair throughout the development.

**7. Solicitor & Engineer Comments:** Mr. Kennard stated that his office had inspected the curbs with the Public Works Superintendent and agreed with his recommendations for curb replacement.

**8. Public Comment:** Mr. Mike Devita of Devon Road stated that he would not support a Township-wide tax for curb replacement in Brittany Farms and that he was in favor of the Township hiring a contractor and homeowners paying in installments.

Mr. Bruce Quedenfeld of Brittany Drive asked how property line disputes would be handled. Ms. Bradley stated that if the property owners can agree where the property lines are, the Township would not dispute it; however, if there were a disagreement between neighbors, it would be handled case by case. Mr. Quedenfeld also stated that there was no problem with the curbs when Aqua milled and paved, and does not understand why it is now a problem. Mr. Quedenfeld asked if a homeowner could still hire their own contractor if the Board decides to hire a contractor as well. The Board responded yes, but a deadline would have to be set for when the homeowner must have the work completed so that the Township knows the correct linear footage to use in bid specifications. Mr. Scanzillo added that if the Township hires a contractor, it would create uniform work throughout the curbing project. Mr. Rice stated that when the Township goes to bid, the contractor is required to provide performance and maintenance bonds and high levels of insurance that help guarantee work quality and puts the responsibility of any injuries on the contractor.

Mr. Jim Lynch of Cornwall Drive stated that he is disappointed that he must pay for the curb replacement and believes that there should be a millage across the Township for curb replacement. Mrs. Haun added that it is not the responsibility of the Township to maintain the curbs in the Township, but each individual homeowner. Most developments have homeowners' associations that maintain curbs and sidewalk, so those residents would be paying double the amount if a millage increase were implemented.

Frank Hofstaedter of Devon Road stated that snowplows constantly hit the curbs damaging the property. He believes the Township should be responsible for the damage. Mr. Rice stated that the Second Class Township Code states that curbs, sidewalks, etc are the homeowner's responsibility under state law. Mr. Hofstaedter suggested that the Township then hold snowplow contractors responsible for future damage that they cause. Mr. Bodden stated that the Township plans to have preseason meetings with the snow plow contractors going forward.

Mr. Jim France of Dolly Lane expressed concern for how roads are paved and asked if what amount will be milled and replaced. Mr. Fultz stated that the standard would be to mill 1 ½" and pave 1 ½".

Mr. George Sawyer of Devon Road asked if the snowplow contractors have insurance. Mr. Jones stated they do, however if the Township is not notified of an incident nothing can be done about it.

Mr. Steve Stone of Cornwall Drive stated that he does not understand that if there was no curb replacement required when he bought his house a few years ago, why he is responsible now.

Bob Oshifsin of Cornwall Drive stated that when Cornwall Drive is plowed, all the snow is pushed into the woods, creating a dam and all the water goes down Dolly flooding out residents.

Mrs. Donna Hofstaedter of Devon Road stated that she believes that flooding should be addressed prior to paving. She would like the Township to consider adding additional storm drains. Mr. Jones said there is time for the Township to look into the flooding issues.

Mr. John Wiberley of Hampshire Drive asked why the Township paid for the curbs in Brittany Drive to be replaced. Mr. Bodden explained that over the course of time, Brittany Drive had been overlaid so many times that the curbs were no longer above the pavement grade, and the curbing had to be elevated. The Township fixed the problem that they had created.

Mrs. Jennifer Ortiz of Hampshire Drive stated that she is thankful to the Board for allowing residents to make payments up to December of 2015.

**MOTION: A motion was made by Mr. Bodden, seconded by Mr. Scanzillo, and unanimously carried, to put a contract out for bid in January/February 2013, to replace the approximate 1,200 linear feet of curbing in the 100 blocks of Cornwall Drive, Devon Road, Dolly Lane, and Hampshire Drive; if a resident wishes to replace all or a portion of the curbing not currently marked in the field as part of the Township contract, they must notify the Township by August 31, 2012; the Township will then bill each resident for their portion of replaced curb, based on the amount of linear footage replaced, at the exact contractor’s price charged; full payment must be made by December 15, 2015; those residents that do not pay their bill by December 15, 2015 will have a lien placed on their property for the full amount of the curbing costs plus legal charges and interest; those residents that choose to replace their curbing individually without using the Township contract, must notify and apply for a permit prior to August 31, 2012 and must have the work inspected and completed by December 31, 2012; if curbing is not installed by December 31, 2012, the Township will install the curbing under the proposed contract and terms above.**

**MOTION: A motion was made by Mr. Bodden, seconded by Mr. Scanzillo, and unanimously carried, to add curbing, sidewalk, and driveway apron inspections to the Use and Occupancy Inspection Program.**

**9. Adjournment:**

**MOTION: There being no further business or comment, a motion was made by Mr. Scanzillo, seconded by Mrs. Haun, and unanimously carried, to adjourn the meeting at 8:40 p.m.**

**NEW BRITAIN TOWNSHIP BOARD OF SUPERVISORS**

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William B. Jones, Chair

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A. James Scanzillo, Vice Chair

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Robert V. Cotton, Member

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John A. Bodden, Member

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Helen B. Haun, Member

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