

**BOARD OF SUPERVISORS  
MEETING MINUTES  
September 12, 2016**

A Work Session Meeting of the New Britain Township Board of Supervisors was held on Monday, September 12, 2016, at the Township Administration Building, 207 Park Avenue, New Britain Township, PA, beginning at 9:00 a.m. Present were Supervisors: Chair William B. Jones, III, Vice Chair A. James Scanzillo, Members John A. Bodden, Sr., Helen B. Haun and Gregory T. Hood. Also present were Township Manager Eileen M. Bradley, Township Solicitor Peter Nelson and Township Engineer Erik Garton.

**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:** Prior to this meeting, the Board met in Executive Session to discuss litigation (Diehl #2013-08269, Windhill Realty Group, LP v. NBT ZHB #2016-05574), personnel issues (Police DROP) and land acquisition. The Board will meet after this Meeting to discuss the same issues.

**4. Public Comment on Non-Agenda Items:** There was no Public Comment at this time.

**5. Approval of Minutes:**

**5.1. Minutes of August 1, 2016 Board of Supervisors' Regular Meeting:**

**MOTION:** A motion was made by Mrs. Haun, seconded by Mr. Hood and carried unanimously, to approve the August 1, 2016 Minutes as written.

**6. Departmental Reports:**

**6.1. Code Department Report:** Ms. Bradley presented the Code Department Report for June and July 2016.

**6.2. Police Department Report:** Chief Robert Scafidi presented the Police Department Report for June and July 2016.

**6.3. Public Works Department Report:** Ms. Bradley presented the Public Works Department Report for June and July 2016.

**7. Consideration of Old Business:**

**7.1. Chalfont New Britain Township Joint Sewage Authority Update:** Appearing for the Authority was Executive Director John Schmidt and Board Members Timothy Hagey, Gustave Haun, and Joseph Bonner.

Mr. Schmidt stated that Phase II of the Authority's plant expansion was completed in 2015. The Authority is currently working on Phase III upgrades to the remainder of the system, which included operational repairs such as roof maintenance and road repairs. Work began in spring 2016 and would take about 18 months, with an approximate cost of \$5.5 million dollars. The total cost for all three phases was projected at \$15.5 million, part of which would be paid for by the Bucks County Water and Sewer Authority through agreement.

Mr. Schmidt also updated the Board on the proposed Sewer Ordinance Amendment on which the Township and the Authority were working. The amendment would include things like mandatory connection where available,

inspection of private sewer laterals at time of resale of a property, standards related to control of oils and grease at commercial restaurants, grinder pump use, and penalties and fines for violations. Mr. Hagey added that inspections of private laterals would prevent larger problems and emergencies for homeowners. Mrs. Haun inquired into the cost of inspecting private laterals. Mr. Schmidt responded that the Authority was planning to do the inspections and was working on figures for the work.

Mr. Schmidt shared information with the Board that PennVEST had a low rate loan program that assists private homeowners with the cost of water and sewer connections and private sewer systems. Rates were at 1.7% over 20 years without attaching to the home's equity. PennVEST had a significant amount of money to lend were looking for municipalities to help get information out to the public.

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

**8.1. Public Hearing: New Britain Township Comprehensive Plan Resolution #2016-23:** Mr. Jones opened the 2016 Comprehensive Plan Update Hearing at 9:32 a.m.

Mr. Jones stated that the Comprehensive Plan changes primarily represented an update, and was essentially the same document with new material added in the Park and Recreation sections, such as information on Robert V. Cotton Park, Veterans Park and plans for various trail systems. Changes related to the 202 Bypass were also added. Mr. Hood thanked the Planning Commission, the Township Manager Eileen Bradley and Staff for the work they did on completing the Comprehensive Plan Update.

Mr. Showalter of Old Iron Hill Road stated that he was glad to hear that the Plan was just an update of the Comprehensive Plan rather than a diversion from long-standing policy. He added that he thought that the Township would be under pressure for more development over the next ten years. He stated that he hoped the Board would continue to protect the Watershed District.

**MOTION: There being no further discussion, a motion was made by Mrs. Haun, seconded by Mr. Bodden and carried unanimously, to close the hearing at 9:40 a.m.**

**MOTION: A motion was made by Mr. Hood, seconded by Mr. Bodden and carried unanimously to approve Resolution #2016-23, thereby adopting the revised New Britain Township Comprehensive Plan.**

**8.2. Resolution #2016-22, Fee Schedule Amendment:** Ms. Bradley stated that the proposed amended Fee Schedule would change the "pass-through" PA State UCC Permit from \$4.00 per permit to \$5.00, based on the requirements of House Bill 568, recently passed by the General Assembly, and awaiting the Governor's signature. The fee for a blasting permit was relocated to be stand-alone, without a change in the actual fee. There were also additional changes to language for clarity only.

**MOTION: A motion was made by Mr. Hood, seconded by Mrs. Haun and carried unanimously to approve Resolution #2016-22, amending the Fee Schedule.**

## **9. Consent Agenda:**

**MOTION: Upon motion by Mr. Hood, seconded by Mr. Bodden, the Board unanimously approved the following Consent Agenda items: Execution of a Professional Services Agreement for development of Barclay Road/New Britain Woods Subdivision, 93 Barclay Road, TMP #26-001-038, #26-001-039 and #26-001-040-002, with corresponding legal and engineering escrow of \$28,000.00; Execution of a Permit Escrow Agreement for construction of a single-family home at**

**400 Old Iron Hill Road, TMP #26-011-027.001, with corresponding financial security of \$31,401.33; Execution of the following documents for the Barclay Road/New Britain Woods Development: Development Agreement, Memorandum of Development Agreement, Deed of Dedication for Haines Court and Rowland Lane, Stormwater Facilities Operations and Maintenance Agreement, Declaration of Covenants, Easements, Conditions and Restrictions (submission only); WB Homes/Colebrook Escrow Release #2 for \$59,625.00 leaving \$1,232,123.06 remaining; and Blooming Glen Contractors Payment #1 for \$13,383.90, leaving \$284,734.98 remaining on the contract for Veterans Park Phase One Construction.**

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

**11. Township Administration Comments:**

**11.1. Police Pension 2017 Minimum Municipal Obligation Resolution #2016-19:** Ms. Bradley stated that the Minimum Obligation for the 2017 Police Pension was \$155,068.00, payable by December 31, 2017.

**MOTION: A motion was made by Mrs. Haun, seconded by Mr. Hood and carried unanimously approving Resolution #2016-19, approving the 2017 Police Pension Minimum Municipal Obligation in the amount of \$155,068.00.**

**11.2. Non-Uniform Pension 2017 Minimum Municipal Obligation Resolution #2016-20:** Ms. Bradley stated that the Minimum Obligation for the 2017 Non-Uniform Pension is \$38,229.00, payable by December 31, 2017.

**MOTION: A motion was made by Mr. Bodden, seconded by Mr. Scanzillo and carried unanimously approving Resolution #2016-20, approving the 2017 Non-Uniform Pension Minimum Municipal Obligation in the amount of \$38,229.00.**

**11.3. Request for Appraisal for Land Acquisition:** Ms. Bradley stated that the Township had been approached by a landowner about information on land preservation. She requested approval to order an appraisal of the property should the homeowner decide to move forward with a possible conservation easement.

**MOTION: A motion was made by Mrs. Haun, seconded by Mr. Scanzillo and carried unanimously, authorizing the Township Manager to purchase an appraisal for a conservation easement on a parcel of land located in New Britain Township, pending authorization by the landowner.**

**11.4. Veterans Park Post Construction Stormwater Management Operations and Maintenance Agreement:** Ms. Bradley stated that PA DEP required a Post-Construction Stormwater Management Operations and Maintenance Agreement for Phase One of Veterans Park. Since the property was owned by the County and leased by New Britain Township, the agreement would need to be executed by both New Britain Township and the County Commissioners.

**MOTION: A motion was made by Mr. Hood, seconded by Mr. Scanzillo and carried unanimously, to authorize execution of the Veterans Park Phase One Post-Construction Stormwater Management Operations and Maintenance Agreement.**

## **11.5. Records Dissolution Resolution #2016-21:**

**MOTION:** Upon motion by Mr. Hood, seconded by Mr. Scanzillo, the Board unanimously approved Resolution #2016-21 for Dissolution of Records as set forth in the Municipal Records Manual.

**11.6. Zoning Hearing Board Sosa Application:** Ms. Bradley announced that on Thursday, September 15, 2016 at 7:00 p.m. the Zoning Hearing Board would consider the application of James Nieves Sosa, for the vacant property at 83 Woodside Avenue, TMP #26-007-012, located in the RR, Residential Zoning District. The Applicant proposed construction of a single-family detached dwelling (use B1) on the Property and sought variances to: permit a retaining wall in excess of four feet in height in the front yard; to permit 25% of the existing woodlands/forest on the Property to be disturbed (maximum is 20%); to allow disturbance of zone 1 and/or zone 2 riparian buffer (zero permitted); and (d) to allow certain uses in zone 1 and/or zone 2 of the riparian buffer where such proposed uses are not allowed within the riparian buffer. The Board to no action on the application.

**11.7. Annual Audit Report for 2015:** Ms. Bradley stated that the 2015 Annual Audit Report had been completed and was ready for public display. The report had been delayed due to delays with the Pension Actuary supplying timely information.

**11.8. 2016 Veterans Committee Fall Festival:** Ms. Benner announced that the Annual Fall Festival would be held on Saturday, September 17 from 8:00 a.m. to 2:00 p.m.

## **12. Solicitor and Engineer Comments:**

**12.1. Court of Common Pleas NBT v. Diehl:** Mr. Nelson stated that the Township had been working on settlement agreement for a land use appeal (Diehl V. NBT ZHB, #2013-08269) and had finally reached an agreement with Mr. Diehl to settle the case and resolve various problems associated with the property. The basic framework of the settlement allowed Mr. Diehl to rebuild a barn that burned down in 2012 and keep the existing 13 apartments and 2 outbuildings. Mr. Diehl would remove the exterior storage units, except for specific units for apartment tenants. He could rebuild the barn without land development in the same dimensions of the barn that burnt down. There would be two areas of outside storage allowed on the property. The agreement also outlined the permitted zoning uses allowed on the property. Mr. Diehl had signed the agreement and Mr. Nelson recommended that the Board of Supervisors execute it as well.

**MOTION:** A motion was made by Mr. Bodden, seconded by Mr. Scanzillo and carried unanimously, to authorize execution of the settlement agreement with between New Britain Township and Gary Diehl in the Court of Common Pleas Case #2013-08269.

**12.2. Court of Common Pleas Windhill Realty Group, LP v. NBT Zoning Hearing Board:** Mr. Nelson stated that the Windhill Realty Group, LP, also known as Sabia Landscaping, had appealed the Zoning Hearing Board's recent decision denying two principle uses on their property located on County Line Road. Mr. Nelson requested authorization to act on behalf on the Township during the appeals process.

**MOTION:** A motion was made by Mr. Scanzillo, seconded by Mr. Hood and carried unanimously, authorizing the Township Solicitor to act on behalf of the Township during the Windhill Realty Group, LP's appeal of the NBT Zoning Hearing Board Decision.

**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 August 15, 2016 for \$172,193.94:**

**MOTION:** Upon motion by Mrs. Haun, seconded by Mr. Bodden, the Board unanimously approved the Bills List dated August 15, 2016 for \$172,193.94.

**15.2. Bills List dated August 18, 2016 for \$9,034.63:**

**MOTION:** Upon motion by Mr. Scanzillo, seconded by Mr. Hood, the Board unanimously approved the Bills List dated August 18, 2016 for \$9,034.63.

**15.3. Bills List dated September 9, 2016 for \$252,357.07:**

**MOTION:** Upon motion by Mrs. Haun, seconded by Mr. Bodden, the Board unanimously approved the Bills List dated September 9, 2016 for \$252,357.07.

**15.4. Bills List dated September 9, 2016 for \$33,021.93:**

**MOTION:** Upon motion by Mr. Bodden, seconded by Mr. Scanzillo, the Board unanimously approved the Bills List dated September 9, 2016 for \$33,021.93.

**16. Adjournment:**

**MOTION:** There being no further business or comment, a motion was made by Mrs. Haun, seconded by Mr. Hood, and unanimously carried, to adjourn the meeting at 10:00 a.m.

**NEW BRITAIN TOWNSHIP BOARD OF SUPERVISORS**

\_\_\_\_\_  
William B. Jones, III, Chair

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A. James Scanzillo, Vice Chair

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John A. Bodden, Sr., Member

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Helen B. Haun, Member

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Gregory T. Hood, Member

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