

**BOARD OF SUPERVISORS
MEETING MINUTES
December 14, 2009**

A Meeting of the New Britain Township Board of Supervisors was held on December 14, 2009 at the Township Administration Building, 207 Park Avenue, New Britain Township, PA, beginning at 7:00 p.m. Present were Supervisors: Robert V. Cotton, Chairman, Jack Bodden, Vice Chair, Helen Haun, William Jones and James Scanzillo. Also present were: Eileen M. Bradley, Manager; Cathy Kichline, Assistant Manager; Robert Scafidi, Chief of Police; Randal Teschner, Code Enforcement & Fire Marshal; John B. Rice, Solicitor; and Craig Kennard, Township Engineer.

1. **Call to Order:** Mr. Cotton called the meeting of the New Britain Township Board of Supervisors to order.
2. **Pledge of Allegiance:** Mr. Cotton led the Board and audience in the Pledge of Allegiance.
3. **Announcements from the Chair:** The Chairman announced that an Executive Session was held prior to the regular meeting to discuss personnel and land acquisition.
4. **Public Comment:** None.
5. **Approval of Minutes of November 9, 2009 Board of Supervisor meeting:**

MOTION: Upon motion of Mr. Scanzillo, seconded by Mr. Jones, with Mrs. Haun abstaining, the Board approved the minutes of the November 9, 2009 Board of Supervisors meeting.

6. Departmental Reports:

6.1. Police Department: Chief Scafidi reviewed the police department reports for the months of October and November. Chief Scafidi noted that a speed detail was conducted on East Schoolhouse Road in November resulting in 96 citations issued and 78 warnings.

6.2. Public Works Department: Due to the absence of Mr. Fultz, Ms. Bradley read the Public Works Department report for October and November as submitted. It was noted the Public Works and Parks Department reconditioned ball fields for spring use, cleaned storm sewers of debris, readied equipment for winter, continued hot patch, installed the monument and flagpole for the Veteran's Memorial Service and prepared the Santa House.

6.3. Code Enforcement and Fire Marshal: Mr. Teschner presented his reports for the month of October and November. There were 29 and 16 building permits issued, respectively.

7. **Consideration of Old Business:** None

8. Consideration of New Business:

8.1. Consideration and Adoption of 2010 New Britain Township Budget: Ms. Bradley presented the 2010 New Britain Township Budget. Ms. Bradley noted that no changes had been made since Preliminary adoption on November 9, 2009. Therefore, the Board may adopt the 2010 budget as prepared.

MOTION: Upon motion by Mrs. Haun, seconded by Mr. Bodden, the Board unanimously approved the 2010 Budget as prepared.

8.2. Resolution #2009-25; Final Tax Levy Resolution: Ms. Bradley presented the Board with Resolution 2009-25, which establishes the tax rate for 2010.

MOTION: Upon motion of Mr. Bodden, seconded by Mr. Jones, the Board unanimously approved Resolution #2009-25, establishing the tax rate for 2010.

**Resolution No. 2009-25
New Britain Township
Bucks County, Pennsylvania
Final Tax Levy Resolution**

A RESOLUTION OF NEW BRITAIN TOWNSHIP, BUCKS COUNTY, FIXING THE TAX RATE FOR THE YEAR TWO THOUSAND AND TEN (2010).

IT IS HEREBY RESOLVED AND ENACTED BY THE BOARD OF SUPERVISORS OF NEW BRITAIN TOWNSHIP, COUNTY OF BUCKS, COMMONWEALTH OF PENNSYLVANIA:

THAT A TAX IS HEREBY LEVIED ON ALL REAL PROPERTY WITHIN THE TOWNSHIP OF NEW BRITAIN SUBJECT TO TAXATION FOR THE FISCAL YEAR 2010, AS FOLLOWS:

TAX RATE FOR GENERAL PURPOSES, THE SUM OF.....	6.3125 MILLS
ON EACH DOLLAR OF ASSESSED VALUATION, OR THE SUM OF	63.13 CENTS
ON EACH ONE HUNDRED DOLLARS ASSESSED VALUATION.	
TAX RATE FOR FIRE PROTECTION PURPOSES, THE SUM OF...	1.25 MILLS
ON EACH DOLLAR OF ASSESSED VALUATION, OR THE SUM OF	12.50 CENTS
ON EACH ONE HUNDRED DOLLARS OF ASSESSED VALUATION.	
TAX RATE FOR AMBULANCE PROTECTION PURPOSES, THE SUM OF...	.50 MILLS
ON EACH DOLLAR OF ASSESSED VALUATION, OR THE SUM OF	5.00 CENTS
ON EACH ONE HUNDRED DOLLARS OF ASSESSED VALUATION.	
TAX RATE FOR LAND PRESERVATION RESERVE AND DEBT, THE SUM...	.50 MILLS
OF ON EACH DOLLAR OF ASSESSED VALUATION, OR THE SUM OF	5.00 CENTS
ON EACH ONE HUNDRED DOLLARS OF ASSESSED VALUATION.	
TAX RATE FOR PARKS AND RECREATIONAL PURPOSES, THE SUM...	1 MILL
OF ON EACH DOLLAR OF ASSESSED VALUATION, OR THE SUM OF	10.00 CENTS
ON EACH ONE HUNDRED DOLLARS OF ASSESSED VALUATION.	
TAX RATE FOR MUNICIPAL BLDG. PURPOSES, THE SUM OF...	.50 MILLS
ON EACH DOLLAR OF ASSESSED VALUATION, OR THE SUM OF	5.0 CENTS
ON EACH ONE HUNDRED DOLLARS OF ASSESSED VALUATION.	
TAX RATE FOR PUBLIC WORKS BUILDING, PURPOSES, THE SUM OF...	.50 MILLS
ON EACH DOLLAR OF ASSESSED VALUATION, OR THE SUM OF	5.0 CENTS
ON EACH ONE HUMBERD DOLLARS OF ASSESSED VALUATION	
TAX RATE FOR HIGHWAY EQUIPMENT PURPOSES, THE SUM OF...	.50 MILLS
ON EACH DOLLAR OF ASSESSED VALUATION, OR THE SUM OF	5.00 CENTS
ON EACH ONE HUNDRED DOLLARS OF ASSESSED VALUATION.	

THE SAME BEING SUMMARIZED
IN TABULAR FORM:

	ASSESSED	MILLS ON EACH DOLLAR OF DOLLARS VALUATION	CENTS ON EACH ONE HUNDRED OF ASSESSED VALUATION
Tax rate for:	GENERAL PURPOSES	6.3125 MILLS	63.130 CENTS
Tax rate for:	FIRE PROTECTION PURPOSES	1.2500 MILLS	12.500 CENTS
Tax rate for:	AMBULANCE PROTECTION PURPOSES	0.5000 MILLS	5.000 CENTS
Tax rate for:	LAND PRESERVATION ACTIVITIES	.5000 MILLS	5.000 CENTS

Tax rate for:	PARKS AND RECREATION	1.0000 MILLS	10.000 CENTS
Tax rate for:	MUNICIPAL BLDG.	0.5000 MILLS	5.000 CENTS
Tax rate for:	PUBLIC WORKS BUILDING	0.5000 MILLS	5.000 CENTS
Tax rate for:	HIGHWAY EQUIP. PURPOSES	0.5000 MILLS	5.000 CENTS
	TOTAL.....	11.0625 MILLS	110.625 CENTS

BE IT FURTHER RESOLVED THAT THE FOLLOWING TAXES AND ASSESSMENTS SHALL ALSO BE ESTABLISHED FOR THE YEAR 2010:

EARNED INCOME TAX PURSUANT TO TOWNSHIP ORDINANCES # 85-12-8 AND ORDINANCE # 89-9-7 @ 1.0% (NET .50%) FOR GENERAL FUND AND TOWNSHIP ORDINANCE #2000-10-01 AT .125% FOR LAND PRESERVATION FUND.

LOCAL SERVICES TAX PURSUANT TO TOWNSHIP ORDINANCE NO. 2006-12-1 @ \$52.00 PER RESIDENT AND NON-RESIDENT EMPLOYED IN THE TOWNSHIP.

STREET LIGHT ASSESSMENTS:	FOREST PARK	\$40.00 per dwelling unit/lot.
	BRITTANY GLEN	\$55.00 per dwelling unit/lot.
	FAIRWOODS/S.SMYTH	\$60.00 per dwelling unit/lot.
	TOWER HILL GROVE	\$45.00 per dwelling unit/lot.
	REGENCY GLEN	\$150.00 per dwelling unit/lot.
	OXBOW RIDGE	\$50.00 per dwelling unit/lot.
	HOLLYDALE	\$50.00 per dwelling unit/lot.
	CEDARLEA	\$45.00 per dwelling unit/lot.
	GLEN EAGLES	\$45.00 per dwelling unit/lot.
	HIGHPOINT OFF CAM	\$525.00 per lot.
	CREEKWOOD	\$35.00 per dwelling unit/lot.
N.BRITAIN BUS. PARK	\$500.00 per lot.	
WYNDHAM	\$40.00 per dwelling unit/lot.	

BE IT FURTHER RESOLVED THAT, ANY RESOLUTION, OR PART OF ANY OTHER RESOLUTION, CONFLICTING WITH THIS RESOLUTION IS HEREBY REPEALED OR MODIFIED INSOFAR AS THE SAME AFFECTS THIS RESOLUTION.

8.3. Consideration of Preliminary/Final Approval; Rampulla Minor Subdivision: Robert Irick of Irick, Eberhardt & Mientus was present to present the plan to the Board on behalf of his clients, Meribeth & Garrett Rampulla. The plan proposes a minor subdivision of TMP #26-3-42 located within the Watershed District. The site consists of approximately 7.05 acres of land situated along Skunk Hollow Road between Limekiln Pike and the municipal boundary with Hilltown Township. The applicant proposed to subdivide the property into two lots consisting of approximately 3.96 acres (lot 1) and 2.55 acres (lot 2). The existing single-family detached dwelling and associated structures will remain on lot 1 and a single family detached dwelling is proposed for lot 2. The applicant obtained a variance to allow an onsite field delineation of the floodplain soils in lieu of using the Bucks County Soil Survey. At their meeting of November 17, 2009, the Planning Commission recommended granting Preliminary Final approval subject to the following conditions:

1. Compliance with Gilmore & Associates review letter dated November 6, 2009.
2. Compliance with the Bucks County Planning Commission letter dated November 4, 2009
3. Compliance with the Zoning Hearing Board Order dated June 10, 2009.
4. Submission of an updated waiver request letter prior to appearing in front of the Board of Supervisors. This letter will be requesting the following waivers that are supported by the Planning Commission:
 - a. Partial waiver of Section 502.D concerning showing existing features within 100’ of the tract boundary. An aerial will be provided.
 - b. Section 502.D.10 concerning survey benchmarks
 - c. Section 705.3.C concerning road widening along the road frontage.
 - d. Section 706.1.B concerning curbing along the public street
 - e. Section 706.2.B concerning sidewalks along the public street
 - f. Section 713.4 concerning street trees along the road frontage

5. Defer the waiver request for Section 715 regarding park and recreation fees to the Board of Supervisors.

Mr. Irick agreed that the applicant will comply with all outstanding items in the November 6, 2009 Gilmore & Associates Review Letter. He will submit an updated waiver request letter to the Board. Mr. Irick also requested that the Board grant a waiver of Sections 705.3.C, 706.1.B, 706.2.B, 713.4 and 715 the Board establish a fee in lieu of. Mr. Irick also indicated the applicant is offering to deed restrict the property from future development and grant all necessary right-of-way. Ms. Bradley then proposed the applicant would not have to pay the fee in lieu of until such time as a building permit is issued for lot #2.

MOTION: Upon motion by Mrs. Haun, seconded by Mr. Bodden, the Board unanimously granted Final/Preliminary Approval of the Rampulla Minor Subdivision with the following conditions: All conditions as recommended by the Planning Commission at its November 17, 2009 meeting; all conditions as outlined in the Gilmore and Associates Review Letter dated November 6, 2009; payment of fees of \$12,500 in lieu of public improvements and \$2,500 park and recreation contribution, paid at the time a building permit is issued; deed restricting the property from future development; and granting of all necessary rights-of-way.

8.4. Resolution 2009-26; Support of a PECO Green Region Grant for Cedar Hill Road Walkway: Ms. Bradley explained to the Board that PECO is offering grants up to \$10,000 for the construction of trails. This grant would partially fund approximately 1,600' of paving and decorative guiderail to link the Hollydale, Oxbow and Brittany Farms neighborhoods to the existing West Branch Park.

MOTION: Upon motion by Mr. Bodden, seconded by Mr. Scanzillo, the Board approved Resolution 2009-26 in support of the PECO Green Region application for the Cedar Hill Road walkway extension.

8.5. Request to Waive ZHB Fees; 619 N. Limekiln Pike: Ms. Bradley presented a letter from the applicants formally requesting the Board waive the Zoning Hearing Board fees.

MOTION: Upon motion by Mr. Scanzillo, seconded by Mrs. Haun, the Board unanimously waived the \$600.00 Zoning Hearing Board fee only. All other applicable fees shall be paid.

8.6. Decision: Golembeski Heart & Lung Act Claim: Mr. Rice informed the Board that they needed to render a decision regarding Sergeant Golembeski's appeal of the denial of his Heart & Lung Act Claim. A hearing was held on November 2, 2009 with Mr. Cotton, Mrs. Haun and Mr. Bodden present. Patrick Harvey of Ballard Spahr filed a brief on behalf of the Township. Sergeant Golembeski's attorney, Sean Welby did not.

MOTION: Upon motion by Mr. Bodden, seconded by Mrs. Haun, the Board approved the Order to Deny Heart & Lung Act Benefits to Sergeant Golembeski due to the fact that the injury incurred was not work-related.

8.7. Adopt 2010 Meeting Schedule: The 2010 meeting schedule was presented which outlines the Board of Supervisors, Planning Commission, Zoning Hearing Board, Park & Recreation and other committees scheduled dates for 2010.

MOTION: Upon motion by Mrs. Haun, seconded by Mr. Jones the 2010 meeting schedule was adopted as prepared with the exception of removing the November 22, 2010 Board of Supervisor's meeting.

8.8. Cancellation of December 28, 2009 Board of Supervisor's meeting: Ms. Bradley recommended to the Board that the December 28th meeting be cancelled due to the holiday and lack of business.

MOTION: Upon motion by Mr. Bodden, seconded by Mrs. Haun the Board approved the cancellation of the December 28th Board of Supervisor's Meeting.

8.9. ATC Lease; North Branch Park, TMP #26-011-15: Ms. Bradley informed the Board that she and Mr. Rice had met with representatives of American Tower to discuss the renewal of the cell tower lease at North Branch Park. The current lease expires in 2018 and they wish to extend the lease an additional 20 years. ATC has two proposals for the Board to consider.

1. Four additional 5-year terms commencing June 2018 and ending 2038 with a 3% increase per year commencing 2018 and a \$20,000 signing bonus payable immediately.

2. Four additional 5-year terms commencing June 2018 and ending June 2038. Commencing in 2011, the annual rent will increase to \$2500/month with 3% increases per year beginning in 2012. No signing bonus is offered.

MOTION: Upon motion by Mr. Scanzillo, seconded by Mr. Bodden, the Board authorized Ms. Bradley to proceed with the ATC lease agreement Option #1.

8.10. 28 Teresa Lane: Ms. Bradley informed the Board that there is an on-going property maintenance issue with the mentioned property. The property is vacant and violation notices have been sent to the owner of record. Solicitor Rice has also recently sent a violation notice requiring the property owner to allow us to do an internal inspection of the property. The property owner has not responded. Mr. Rice further informed the Board he will need the Board's authorization to file a request to obtain a court order from the Bucks County Court of Common Pleas.

Mr. Ben Dougherty of 26 Teresa Lane spoke on behalf of the neighborhood. Mr. Dougherty told the Board the property has been in disrepair for many years and requested the Board intervene on behalf of the neighborhood.

MOTION: Upon motion by Mr. Bodden, seconded by Mrs. Haun the Board authorized the Solicitor to take the necessary steps to obtain a court order to compel the property owner to allow the code inspector to inspect the property and take the necessary steps to correct the deficiencies.

8.11. Nomination for BCATO George Metzger Service Award: Ms. Bradley informed the Board that the Bucks County Association of Township Officials is accepting nominations for the George Metzger Service Award. This award was established to recognize a member of the BCATO who served in an official capacity of a member municipality. The criteria for selection include the candidate's service in an official capacity, and community service beyond one's official government capacity. Upon recommendation by Nancy Jones, Tax Collector, she is seeking nomination of an individual.

MOTION: Upon motion by Mrs. Haun, seconded by Mr. Bodden, the Board authorized Ms. Bradley to proceed with the nomination.

9. Consent Agenda:

9.1. Professional Service Agreement; BuxMont Medical Properties, TMP #26-005-049-009

9.2. New Britian Business Park, Lot #17; Escrow Release #3, Performance Bond and LOC

9.3. The Reserve at New Britain; CVA Payment

9.4. The Reserve at New Britain; Autumn Hill payment

9.5. Professional Service Agreement; Weaver Companies, TMP #26-001-095-008

MOTION: Upon motion by Mr. Bodden, seconded by Mr. Scanzillo, the Board approved the Consent Agenda.

10. Board of Supervisor Reports: Mr. Cotton informed the Board that a Route 202 Task Force meeting is planned for this Friday.

11. Township Administration Comments:

11.1. PSATS Annual Conference: Ms. Bradley reminded the Board that the PSATS Annual Conference is scheduled for April 18-21, 2010.

11.2. New Britain Township Business Alliance Letter: A letter from Leslie Bilotta, President of the New Britain Business Alliance was received, thanking the Board, the Park & Recreation Committee and staff for the help in providing assistance for their support of the First Santa Arrival.

11.3. Resolution 2009-27; Support for Local Tax Collector: Ms. Bradley presented a resolution to the Board in support of the Tax Collector of New Britain Township to be reasonably compensated and wishes to preserve the Commonwealth-mandated position.

MOTION: Upon motion by Mr. Scanzillo and seconded by Mr. Bodden, the Board approved Resolution 2009-27 in support of the local tax collector.

11.4. Authorization to offer for sale 1996 Corsica: The new Ford Escape Code Enforcement vehicle has arrived and is ready to be put into service. Ms. Bradley is seeking authorization from the Board to offer the 1996 Corsica for sale on MuniBid.

MOTION: Upon motion by Mrs. Haun, seconded by Mr. Bodden, the Board authorized Ms. Bradley to place the Corsica for sale on MuniBid.

11.5. Reserve at New Britain; Release of Partial 18-month Security: Mr. Rice recommends, in exchange for Atlantic allowing the Township to use \$15,000 for basin plantings, that the Board release \$107,836.85 of the financial security held in escrow by the Township. Upon release of this money, the Township would still be holding \$115,000 in financial security for the remainder of the 18-month maintenance period. \$15,000 would be used for the basin plantings and the remaining \$100,000 would guarantee any punchlist items identified by Gilmore & Associates.

MOTION: Upon motion by Mr. Bodden, seconded by Mrs. Haun, the Board authorized the release of \$107,836.85 of escrow to Atlantic Companies.

11.6. Letter of Support to Release 904 Performance Grant Awards: Act 101 of 1998, which provides for a \$2.00 per ton fee on all waste going to a landfill, is set to sunset on 12/31/2011. According to the DEP budget numbers, DEP currently has sufficient funds to pay the remainder of the 2007 and 2008 grant awards. A letter was sent to Representative Watson seeking her support to compel DEP to release the 2007 and 2008 grant awards.

11.7. Authorization to Advertise for Crossing Guards: Chief Scafidi requested authorization from the Board to advertise for a Crossing Guard on Route 202 at St. Jude's.

12. Solicitor & Engineer Comments: None

13. Other Business: None

14. Public Comment: None

15. Payment of Bills: Bill list dated 11/19/09 in the amount of \$71,190.40; bill list dated 12/10/09 in the amount of \$141,268.50 and bill list dated 12/10/09 in the amount of \$54,723.09.

MOTION: Upon motion by Mr. Bodden, seconded by Mr. Jones, the Board approved the bills list as presented.

16. Adjourn:

MOTION: Being no further business, upon motion by Mrs. Haun, seconded by Mr. Bodden, the Board adjourned the meeting at 8:25 PM.

NEW BRITAIN TOWNSHIP BOARD OF SUPERVISORS

Robert V. Cotton, Chair

John A. Bodden, Vice-Chair

James Scanzillo., Member

Helen B. Haun, Member

William B. Jones, Member

Attest: _____
Eileen M. Bradley
Secretary/Manager

