

**BOARD OF SUPERVISORS  
MEETING MINUTES  
June 14, 2010**

A Meeting of the New Britain Township Board of Supervisors was held on June 14, 2010, at the Township Administration Building, 207 Park Avenue, New Britain Township, PA, beginning at 7:00 p.m. Present were Supervisors: Jack Bodden, Chairman; Helen Haun, Vice Chairman; William B. Jones and Robert Cotton. Also present were: Eileen Bradley, Township Manager; Cathy Kichline, Assistant Manager; Robert Scafidi, Police Chief; Ryan Cressman, Public Works Foreman; John Rice, Solicitor; and Craig Kennard, Township Engineer.

1. **Call to Order:** Mr. Bodden called the Meeting of the New Britain Township Board of Supervisors to order.
2. **Pledge of Allegiance:** Mr. Bodden led the Board and audience in the Pledge of Allegiance.
3. **Announcements from the Chair:** Mr. Bodden informed the public that there was an Executive Session held prior to tonight's meeting to discuss land acquisition and personnel matters. Mr. Cotton announced that today is New Britain Township's 287<sup>th</sup> birthday. He outlined the history of New Britain Township for the audience and invited all to stay for cake after the meeting.
4. **Public Comment:** None
5. **Approval of Minutes of May 10, Board of Supervisors Meeting:**

**MOTION:** Upon motion of Mr. Jones, seconded by Mr. Cotton, the Board unanimously approved the Minutes of the May 10, 2010 Board of Supervisors Meeting.

**6. Departmental Reports:**

- 6.1. **Public Works:** Mr. Cressman presented the Public Works report for the month of April 2010. Mr. Cressman reported that inlets were rebuilt on Deerpath Road and the Township's section was crack sealed prior to the joint paving project with Chalfont Borough. Patching has also started in anticipation of paving all identified roads for the 2010 Road Program.
- 6.2. **Police Department:** Chief Scafidi presented the Police Department report for the month of April. Chief Scafidi reported 18 motor vehicle accidents and 496 incidents for the month.
- 6.3. **Code Enforcement & Fire Marshal:** Mr. Teschner presented the Code Enforcement and Fire Marshal report for the month of April. Thirty-two building permits were issued, with 24 occupancy inspections conducted. A fire company responded to 16 fire calls.

**7. Consideration of Old Business:**

**8. Consideration of New Business:**

- 8.1. **Resolution No. 2010-18; Final Plan Approval: White Tract, TMP #26-3-119:** Mr. Kennard summarized this Minor Subdivision Plan; prepared by Bohler Engineering, last revised May 25, 2010. The applicant is proposing no land development at this time. The applicant previously received Zoning Hearing Board approval. Mr. Kennard finds the plans to be in accordance with the Zoning Hearing Board decision as well as Township ordinances.

**MOTION:** Upon motion by Mr. Cotton, seconded by Mr. Jones, the Board approved Resolution No. 2010-18, granting Preliminary/Final approval to the White Minor Subdivision conditioned upon the items outlined in said resolution.

**8.2. Ordinance 2010-06-01; Authorize Advertisement of MUA Ordinance:** Mr. Rice presented an ordinance providing for an amended intergovernmental cooperation agreement, appointing the Municipal Utility Alliance as a consultant for New Britain Township for the purpose of cooperatively bidding and purchasing certain utility products and services as designated in the amended Intergovernmental Cooperation agreement. Mr. Rice recommends the Board authorize the advertisement of this ordinance for consideration at the June 28<sup>th</sup> Board of Supervisors meeting.

**MOTION:** Upon motion by Helen Haun, seconded by Mr. Jones, the Board authorized advertisement of Ordinance 2010-06-01 and will consider this ordinance at the June 28<sup>th</sup> Board of Supervisors meeting.

**8.3. Ordinance 2010-06-02:** Mr. Rice presented an ordinance amending Chapter 27 of the Township Code of Ordinances and the New Britain Township Zoning Ordinance Part 26, Section 27-2600: Signs, by amending Section 27-2607.a.5(B)(6) relating to sign deposits, amending Section 27-2610 relating to off-premise signs and adding Section 27-2616 relating to temporary signs requiring a permit. Mr. Rice recommends the Board authorize the advertisement of this ordinance for consideration at the July 12<sup>th</sup> Board of Supervisors Work Session.

Mrs. Susan Gross, Upper Church Road, asked for changes to the ordinance prior to the Board authorizing its advertisement. Mrs. Gross stated it was not the intent to place restrictions on agriculture signs that may direct customers to her vineyard or seasonal produce stands. Mrs. Gross further stated by limiting the number of signs to four, it will deter potential customers from finding her location or any other agriculture display located in a remote location. Mrs. Gross further suggested the Board exempt all farms located in an Agriculture Security Area.

Mr. Jones commented the intent of amending the sign ordinance was to address the issue of the prolific number of signs that pop up all over the community; specifically the going-out-of-business signs. Mr. Bodden added it was never the intent to prevent an agricultural entity from advertising their seasonal market. Mr. Cotton suggested removing section 27-2610 which addresses off-premise signs from the proposed ordinance.

**MOTION:** Upon motion by Mr. Cotton, seconded by Mr. Jones, the Board unanimously directed the Solicitor to remove Section 27-2610 of the proposed advertisement and authorized its advertisement for consideration at the July 12<sup>th</sup> Board of Supervisors Work Session.

**8.4. Ordinance 2010-06-03; Authorize Advertisement of Pet Resort Amendment:** Mr. Rice presented an ordinance amending Chapter 27, Part 3, Use Definitions and Regulations, providing for a new Use, A13 Pet Resort, as a Use permitted by conditional use within the IO Industrial Office District. Ms. Bradley informed the Board this ordinance has been before the New Britain Township Planning Commission and the Bucks County Planning Commission. Correspondence from the BCPC dated May 5, 2010 outlined a number of concerns with the ordinance as submitted including, capacity, setbacks, waste storage, impervious surface and parking standards. Formatting changes had been made and language stating that the Township reserves the right to limit the number of dogs.

**MOTION:** Upon motion by Mrs. Haun, seconded by Mr. Jones, the Board unanimously authorized advertising the revised ordinance for consideration at the July 12<sup>th</sup> Board of Supervisors Work Session.

**8.5. Award Contract "A" Bituminous Seal Coat:** Ms. Bradley presented the bid results for Contract "A" Bituminous Seal Coat for the 2010 Road Program, which were opened June 1, 2010. Three bids were received.

After review by Mr. Fultz, Mr. Fultz recommends awarding Contract "A" to Asphalt Maintenance Solutions for \$91,380.15.

**MOTION:** Upon motion by Mr. Cotton, seconded by Mr. Jones, the Board unanimously awarded Contract "A" to Asphalt Maintenance.

**8.6. Award Contract "B" Bituminous Wearing Course and ADA Ramp replacement:** Ms. Bradley presented the bid results for Contract "B" Bituminous Wearing Course and ADA Ramp replacement, which were opened June 1, 2010. There were five bids received. Upon review and recommendation by Mr. Fultz, it was recommended Contract "B" be awarded to Bray Brothers at \$154,470.00.

**MOTION:** Upon motion by Mr. Jones, seconded by Mrs. Haun, the Board unanimously awarded Contract "B" to Bray Brothers.

**8.7. Authorize Hold Harmless and Release Form; Independent Contractor Snow Plowing Agreement:** Ms. Bradley presented a Hold Harmless and Release form for Independent Snow Plowing Contractors prepared by Mr. Rice and recommended by our insurance carrier. Ms. Bradley further outlined the terms of the agreement, which include filing with the Township Manager proof of insurance and a valid driver's license, the contractor will assume all responsibility for any damages following any injury, disability or death and, release, waive and discharge and covenant not to sue New Britain Township and further agree to indemnify and hold harmless New Britain Township and its elected and appointed officers.

**MOTION:** Upon motion by Mr. Cotton, seconded by Mrs. Haun, the Board unanimously authorized the Hold Harmless and Release form and directed the Assistant Township Manager to coordinate the sending and signing as well as receipt of all required documentation.

**8.8. Professional Service Agreement; Steven F. and Doris White; TMP #26-003-119:** A Professional Service Agreement was presented for the White Minor Subdivision outlining the requirements of the applicant.

**MOTION:** Upon motion by Mr. Jones, seconded by Mrs. Haun, the Board unanimously authorized the Professional Service Agreement for TMP # 26-003-119.

**8.9. Parade Marshal & Junior Parade Marshal Nominations:** A memo was received by Angela Benner, on behalf of the Park & Recreation Board nominating Bob Paige as Parade Marshal and Curtis Walter as Junior Parade Marshal.

**MOTION:** Upon motion by Mr. Jones, seconded by Mrs. Haun, the Board unanimously approved Bob Paige as Parade Marshal and Curtis Walter as Junior Parade Marshal for the 2010 Fourth of July Parade. The Board further thanked both men for agreeing to participate in this capacity.

**8.10. Award Cleaning Contract to Summit Restoration:** Ms. Bradley informed the Board that three proposals were received for the cleaning of a property on Teresa Lane based on the complaint in equity filed on January 29, 2010 and awarded the Township. Ms. Bradley recommends the cleaning contract be awarded to Summit Restoration for \$13,117.00.

**MOTION:** Upon motion by Mrs. Haun, seconded by Mr. Cotton the Board unanimously authorized the cleaning contract to Summit Restoration in the amount of \$13,117.00.

**8.11. Orthopedic Specialty Center, Release #1:** A release for \$13,744.13 was submitted by Orthopedic Specialty Center and approved by Gilmore & Associates.

**MOTION:** Upon motion by Mr. Jones, seconded by Mr. Cotton, the Board unanimously approved Release #1 in the amount of \$13,744.13 to Orthopedic Specialty Center.

## **9. Board of Supervisors Comments:**

Mr. Cotton informed the Board of a vehicle fire on Sunday evening at Citadel Circle in which the entire vehicle was engulfed in flames. Other vehicles were parked in very close proximity to the engulfed vehicle. Upon arrival of the fire department, Officer Parker Bullard and Fire Chief William Fluck pushed the parked vehicle out of danger. Mr. Cotton recommended a commendation be prepared for presentation to Officer Bullard and Chief Fluck for going above and beyond the call of duty in this situation.

**9.1. Tax Collection Law Suit Discussion:** Solicitor Rice informed the Board that the Commonwealth Court overturned Judge Waite's decision regarding the Tax Collector lawsuit with the Central Bucks School District. Solicitor Rice further informed the Board there is a 30-day window to appeal if the Board chooses to file a petition for allowance of appeal. The Supreme Court may or may not choose to hear the appeal. Mr. Bodden further added that this is not a tax collector issue but a taxpayer issue and recommends a letter be sent to our Representative and Senator with a request they address and amend the Tax Collector law.

**MOTION:** Upon motion by Mr. Cotton, seconded by Mrs. Haun, the Board authorized the Solicitor to prepare a Petition for Allowance of Appeal on a vote of 3 to 0, Mr. Jones abstaining.

**9.2. Planning Commission Appointment:** Ms. Bradley informed the Board that she has received a letter of resignation from Mr. Scanzillo resigning from the Planning Commission. Ms. Bradley further stated there are now two vacancies on the Planning Commission. Ms. Bradley added interviews were conducted this past week with four potential candidates.

**MOTION:** Upon motion by Mr. Jones, seconded by Mr. Cotton, the Board accepted the resignation of Mr. Scanzillo from the Planning Commission and made the following appointments: Mr. Jeffrey L'Amoreaux to fill the unexpired term to 12/31/11 and Mr. Marco Tustanowsky to fill the unexpired term to 12/31/13. The Board welcomed both men.

## **10. Township Administration Comments:**

**10.1. Service Agreement with Alura Business Solutions for Information Technology service, support and consultation with administration, public works and police departments.** Ms. Bradley presented a Managed Service Agreement covering IT related items for the Administration, Public Works, and Police Departments. Solicitor Rice would like additional time to review the contract, specifically, the language in section 9.3.

**MOTION:** Upon motion by Mr. Cotton, seconded by Mr. Jones, the Board unanimously authorized the Township Manager to sign the contract once the language in section 9.3 is modified to the satisfaction of the Solicitor.

**10.2. Hibschan ZHB; TMP #26-021-025:** Ms. Bradley notified the Board that a Zoning Hearing will be held for the above mentioned property. The applicant is seeking a variance of setback requirements.

**10.3. Authorize appraisal of property for land preservation purposes:** Ms. Bradley requested the Board authorize the appraisal of a property for land preservation purposes.

**MOTION:** Upon motion by Mr. Jones, seconded by Mrs. Haun, the Board unanimously authorized the Township Manager to coordinate an appraisal for land preservation purposes.

**10.4 PECO Green Region Grant Award:** Ms. Bradley informed the Board that New Britain Township has been awarded a \$7,500.00 PECO Green Region Grant toward the design and construction of the Cedar Hill Walkway.

**11. Solicitor & Engineer Comments:**

**11.1. Determine Default; Skyline Realty Partners:** Solicitor Rice informed the Board that he has spoken with representatives of Wells Fargo regarding the Tri-Party Agreement in place with Skyline Realty. Ms. Bradley stated that revised plans have been submitted to PADOT for a revision to ADA ramps. The applicant is requesting a waiver of the ADA ramp replacement. Solicitor Rice suggested the Board defer a decision on default until the next meeting. In the meantime, he and the Township Engineer will look over the revised plan and get in touch with the applicant.

**12. Other Business:** None

**13. Public Comment:** Mrs. Nancy Jones, Tax Collector spoke seeking the support of the Board of Supervisors with regard to the Tax Collector Law Suit. Mrs. Jones further requested the Board to call our local legislators. Mr. Bodden suggested the Township Manager draft a letter.

**14. Payment of Bills:**

**14.1. List dated 5/20/10 in the amount of \$47,311.86:** Upon motion by Mr. Jones, seconded by Mrs. Haun, the Board unanimously approved the bills list dated 5/20/10.

**14.2. List dated 5/20/10 in the amount of \$71,716.68:** Upon motion by Mrs. Haun, seconded by Mr. Cotton, the Board unanimously approved the bills list dated 5/20/10.

**14.3. List dated 6/4/10 in the amount of \$37,584.11:** Upon motion by Mr. Jones, seconded by Mrs. Haun, the Board unanimously approved the bills list dated 6/4/10.

**15. Adjournment:** Being no further business and upon motion by Mr. Jones, seconded by Mr. Cotton, the Board adjourned the meeting at 8:45 PM.

**NEW BRITAIN TOWNSHIP BOARD OF SUPERVISORS**

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John A. Bodden, Chair

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Helen B. Haun, Vice-Chair

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James Scanzillo., Member

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Robert V. Cotton, Member

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William B. Jones, Member

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

Unofficial