

**BOARD OF SUPERVISORS
MEETING MINUTES
March 18, 2013**

A Regular Meeting of the New Britain Township Board of Supervisors was held on March 18, 2013 at the Township Administration Building, 207 Park Avenue, New Britain Township, PA, beginning at 7:00 p.m. Present were Supervisors: Helen B. Haun, John A. Bodden, Robert V. Cotton, and William B. Jones. Also present were Township Manager Eileen M. Bradley, Township Engineer Craig Kennard, and Township Solicitor Peter Nelson. Mr. Scanzillo was absent from the meeting.

1. Call to Order: Mr. Cotton called the Meeting to order.

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

3. Announcements: Mr. Cotton announced that the Board had met in Executive Session prior to this meeting at 6:30 p.m. to discuss litigation issues (Goldthorp and Skyline Tavern ZHB Appeals).

4. Public Comment: There was no Public Comment at this time.

5. Approval of Minutes:

5.1. Minutes from March 4, 2013 Board of Supervisors' Regular Meeting:

MOTION: A motion was made by Mr. Jones, seconded by Mr. Bodden and carried unanimously, to approve the March 4, 2013 Minutes as written.

6. Departmental Reports: The Departmental Reports were accepted as presented.

7. Consideration of Old Business:

7.1. Solid Waste Ordinance Amendment: Mr. Cotton opened the Public Hearing for a proposed ordinance amendment to the Solid Waste Ordinance designating the hours of operation for trash haulers in the Township to be from 7:00 a.m. to 7:00 p.m. Mr. Nelson stated that the proposed ordinance had been duly advertised and posted.

Ms. Sue Conrad of Sunnybrook Drive inquired as to what was the need for the Ordinance Amendment. Ms. Bradley stated that the Township had received multiple complaints regarding trash being collected in the early hours of the mornings.

Mr. Francis Walter of Sunnybrook Drive stated that he did not wish lose his inexpensive trash hauler due to this Ordinance.

Mr. Siegfried Geisel of Brookdale Drive suggested that the allowed time to start trash collection should be 6:00 a.m.

Mr. John Walp of Sunnybrook Drive asked if we had spoken to the School District concerning this and how it would affect the school buses. Ms. Bradley stated that the school buses and trash trucks are already on the roads at the same times every day.

Mr. Bodden stated he was in support of the Amendment due to the large amount of complaints that the Township receives about early trash collection.

Mrs. Haun believed we should look at moving the starting time to something earlier, as 7:00 a.m. might be too late.

Mr. Cotton closed the Hearing.

MOTION: A motion was made by Mr. Bodden, seconded by Mr. Jones to approve Ordinance #2013-03-01, amending the hours of operation for trash haulers to be from 7:00 a.m. to 7:00 p.m. Ms. Haun opposed the Ordinance.

7.2. Wordsworth/Pine Valley Crossing Associates Sketch Plan: Mr. Robert Gundlach, attorney for Pine Valley Crossing Associates, along with the Applicant Nick Hano and Engineer Chuck Franz, presented to the Board a revised sketch plan for subdivision of the Wordsworth Property. Mr. Gundlach stated that on March 11, 2013 they submitted a revised sketch plan of 36 homes that reflects the Emergency Access being added back on to the plan, interior cartway being 30 feet wide, a 3-foot grass strip, parking on one (1) side of the street in select areas, a 50-foot Right-of-Way along all roads, a 20-foot front yard setback for lots 1, 22, 23 and 35 and a 27.5-foot front yard setback for all others, and extended swales and berming behind lots 3 and 6.

Mr. Gundlach stated that they received Gilmore's review letter dated March 15, 2013 and they would comply with the letter. Mr. Gundlach asked the Board of Supervisors to approve Township Staff to review the plan and draft a stipulated agreement.

Mr. Ron Garges of Brookdale Drive asked why the developer could not eliminate six more homes. Mr. Gundlach responded that extensive site improvements and offsite improvements were needed, requiring income from 36 homes.

Mrs. Teresa Browngold of Ferry Road stated that she thinks we can go with fewer homes on the site. Mrs. Browngold also asked on what exactly the Board would be voting. Mr. Bodden said that the Board would only approve a stipulation that stated the developer could only proceed if the plan was compliant. Mr. Kennard stated that if the Board makes a motion tonight it would be for the Township Engineer and Solicitor to review the plan and develop a stipulated agreement. The developer would need to come back and ask the Board to then approve the stipulated agreement. Mrs. Browngold stated that she conditionally supports the plan of 36 homes with continued neighborhood participation.

Mr. Roger Miller of Sunnybrook Drive asked if the stormwater management on the plan complied with the 100-Year Storm requirements. Would a Home Owners Association (HOA) be responsible for the maintenance of the basin? He also had concerns with the side slopes in the basin. Mr. Nelson stated that the HOA would be responsible for basin maintenance, which would be outlined in the stipulated agreement. Mr. Franz stated that the stormwater management system would be designed to accommodate the 100-Year Storm. The Developer would work with Gilmore on the slope and possibly create a depressed area so a vehicle can access the basin for maintenance purposes. There would be retaining walls and fencing around the basin for safety. Mr. Kennard added that those retaining walls would be maintained by the HOA and no parts of those walls would be within Township Rights-of-Way. Mr. Bodden added that all new homes within the Township required potential buyers to sign a disclosure agreement that would outline homeowner and HOA responsibilities.

Ms Sue Conrad stated that she was concerned with bacterial contamination of on-lot wells due to possible over-fertilization from the new homes.

Mr. Francis Walter stated that he believed that there were still too many waiver requests.

Ms. Heather Burnhardt of Sunnybrook Drive said that it would be dangerous for the Township to set a precedent in the Township. If it is an economic hardship for the developer, then the Township should consider waiving Park and Recreation contribution and the money for the trail system to make it possible for the developer to drop a few houses. Mr. Gundlach stated that an institutional Use would be more intensive than residential homes. The developer was unwilling to remove all stormwater infrastructure due to their commitment to the downstream neighbors. He also stated that there were 12 waivers requested, 6 of which would be required regardless of the amount of homes due to the topography of the property.

Mr. Alan Gold of Old Iron Hill Road was opposed to the plan. The only way the plan would work would be if they dropped down to 14 homes. He would rather take his chance with an institutional Use.

Mr. William C. Weis of Ferry Road had concerns with the number of homes on the plan. He would like the area to stay in compliance with the Watershed District and thought that 36 homes would ruin the area. Mr. W. C. Weis stated that he knew that no one wanted the site for institutional Use.

Mr. Leland Wimmer of Brookdale Drive stated he was against 36 homes on the site.

Ms. Browngold pointed out that if the developer acquired 2 additional acres, the site then would be in compliance with Planned Residential Development Zoning (PRD) and would be allowed up to 49 homes on the site by right.

Mr. Eric Miller of Brookdale stated that he would prefer the 36 homes over an institutional Use behind his house. He has had to deal with teenagers running away from the previous facility through his yard and did not want that again.

Ms. Beth Taylor of Callowhill Road stated that institutional Use can be a good thing and could serve the needs of the community. Mr. Cotton pointed out that you cannot know what the next institutional Use could be. Mr. Bodden added that when he was chair of the Zoning Hearing Board, they had denied a drug and alcohol rehabilitation Use on the property, which the courts overturned. This is why he was interested in trying to come up with a stipulation that works for everyone.

Ms. Ann Pritchard of Brookdale Drive stated her concern with the traffic impact to Ferry Road and Old Iron Hill Road. While residents were being cautioned about institutional Use, would institutional bear the same burden regarding installation of new stormwater facilities? Mr. Kennard stated that because there is a court approved plan and anyone can come in and develop the site according to that court-approved plan, new stormwater facilities would not be required. That plan included 18 Buildings with enough housing for up to 400 residents.

Mr. John Walp stated that he thought the Township could push for more concessions from developer, as he felt no sense of urgency. Mr. Kennard stated that developing this site has not been on the fast track. This plan originally came in at 50 lots, was reduced to 42, and now had been reduced to 36. Mr. Gundlach added that they had been working on the plan for 2 years with Township Staff and residents.

Mr. Gundlach asked the Board of Supervisors if they could approve the Township Staff to review the stipulated agreement and plan so that they could move forward.

MOTION: A motion was made by Mr. Bodden, seconded by Mr. Jones, and unanimously carried, to authorize Staff to draft a stipulated agreement for Board consideration at a future meeting.

8. Consideration of New Business:

8.1. NBBP Lot #20 Preliminary/Final Subdivision Plan: Mr. Joseph Cairone, owner and his engineer Mark Hintenlang presented the Board of Supervisors with a plan to subdivide and develop New Britain Business Park Lot #20 into two lots. Mr. Hintenlang stated that they were requesting 12 waivers for Preliminary/Final Approval. The waivers include: partial waiver from the stormwater peak rate control requirements; to allow the Plan to be considered for Preliminary/Final Subdivision Approval; to allow an aerial photograph in lieu of showing existing features; relief from identifying steep slopes; relief from providing public improvements along County Line Road and Liberty Lane but providing a fee in lieu of such improvements; to provide parking stalls measuring 9 feet by 18 feet; to allow 22 foot drive aisles; to disturb within 5 feet of a property line; to utilize HDPE pipe; to provide storm sewer pipe at a slope of less than 5% minimum; relief from the requirement of providing a 2 inch drop across each stormwater inlet; relief from the requirement of six foot high wooden fencing as screening of trash collection.

Mr. Cairone stated that they would comply with Gilmore's review letter dated March 6, 2013. Mr. Hintenlang added that they had received Bucks County Conservation District approval of their Erosion and Sedimentation Controls Plan, as well as a verbal approval from PA DEP for their NPDES Permit. Mr. Cairone agreed to a \$10,000.00 contribution toward a traffic signal system installation at County Line Road and New Britain Boulevard. Mr. Cairone was also willing to work with all property owners in the complex to raise the remaining money needed to install the signal.

MOTION: A motion was made by Mr. Bodden, seconded by Mrs. Haun, and unanimously carried to approve Resolution # 2013-12, granting Preliminary/Final Approval for Minor Subdivision of New Britain Business Park Lot #20 under the listed terms and conditions, and also conditioned upon compliance with the Gilmore and Associates Review Letter dated March 15, 2013.

9. Consent Agenda: There were no Consent Agenda items at this time.

10. Board of Supervisors Comments: Mr. Cotton stated that the timing of the traffic light at Skyline and Butler Avenue was off and should be reviewed. Ms. Bradley noted that she would have Armour check the timing. Mr. Cotton also said that PennDOT was creating a task force to investigate options for changing street names along the old Route 202 to make it easier for residents and businesses.

Mr. Jones reported that the Easter Egg Hunt was held on Saturday March 16, 2013 and everything went well, with good attendance before the snow began.

11. Township Administration Comments:

11.1. Board Meeting of April 8, 2013 Time Change: Ms. Bradley announced that the meeting scheduled for April 8 at 9:00 a.m. would be changed to 7:00 p.m. to accommodate those who wished to attend discussion of the Wordsworth property.

11.2. Veterans Park Update: Ms. Benner provided the Board with an update on Veterans Park and stated that along with Marco Tustanowsky and Wayne Fultz, she was working with Del Val College on a student design for Veterans Park. Once a final design was chosen, and then engineered by Gilmore, Mr. Fultz would decide what could be constructed with our own forces. Ms. Benner stated that construction would be done in phases and asked the Board for their approval with the direction the Committee would like to take in developing Veterans Park.

MOTION: A motion was made by Mr. Bodden, seconded by Mr. Jones, and unanimously carried to authorize the Veterans Committee to move in the proposed direction for developing Veterans Park.

12. Solicitor and Engineer Comments: There were no comments at this time.

13. Other Business: There was no Other Business at this time.

14. Public Comment: There were no comments at this time.

15. Payment of Bills:

15.1. Bills List dated March 14, 2013 for \$183,541.43:

MOTION: Upon motion by Mr. Jones, seconded by Mr. Bodden, the Board unanimously approved the Bills List dated March 14, 2013 for \$183,541.43.

15.2. Bills List dated March 15, 2013 for \$629.70:

MOTION: Upon motion by Mr. Jones, seconded by Mrs. Haun, the Board unanimously approved the Bills List dated March 15, 2013 for \$629.70.

16. Adjournment:

MOTION: There being no further business or comment, a motion was made by Mr. Bodden, seconded by Mr. Jones and unanimously carried, to adjourn the meeting at 9:02 p.m.

NEW BRITAIN TOWNSHIP BOARD OF SUPERVISORS

A. James Scanzillo, Chair

Robert V. Cotton, Vice Chair

John A. Bodden, Sr. Member

Helen B. Haun, Member

William B. Jones, III, Member

Attest: _____
Eileen M. Bradley
Secretary/Manager