

**BOARD OF SUPERVISORS  
MEETING MINUTES  
May 21, 2012**

A Regular Meeting of the New Britain Township Board of Supervisors was held on Monday, May 21, 2012 at the Township Administration Building, 207 Park Avenue, New Britain Township, 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 Jonathan Reiss, 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:** Mr. Jones announced that the Board had met in Executive Session at 6:00 p.m. prior to this meeting to discuss personnel, litigation and land acquisition issues.
- 4. Public Comment:** Mr. Dave Woods of Hampshire Drive stated that there were residents in attendance that wished to comment on Agenda item #7.2, Curb Replacement in Brittany Farms.
- 5. Approval of Minutes from April 16, 2012 Public Meeting:**

**MOTION:** A motion was made by Mrs. Haun, seconded by Mr. Cotton, and unanimously carried, to approve the April 16, 2012 Minutes as written.

**6. Departmental Reports:**

- 6.1. Code Enforcement:** Mr. Teschner presented the Code Enforcement Report for April 2012.
- 6.2. Police Department:** Chief Scafidi presented the Police Report for April 2012.
- 6.3. Public Works Department:** Mr. Fultz presented the Public Works Department Reports for March 2012 and April 2012.
- 6.4. Park and Recreation Committee Parade Marshals for 2012:** Ms. Bradley reported that the Park and Recreation Committee recommended Mr. LaVerne Keats, a World War II Veteran, for Parade Marshal and Miss Francesca Bova, a teen volunteer from Central Bucks South, as Junior Parade Marshal.

**MOTION:** A motion was made by Mr. Cotton, seconded by Mr. Bodden, and unanimously carried, to approve LaVerne Keats as Parade Marshal, and Francesca Bova as Junior Parade Marshal.

**7. Consideration of Old Business:**

- 7.1. OP/WSC District:** The Board reviewed and discussed proposed amendments from the Planning Commission to the New Britain Township Zoning Map and Ordinance, specifically the Office Park (OP) District. Planning Commission recommendations had been previously discussed at the April 16 Work Session and continued to this meeting. Ms. Bradley recommended: changing TMP #26-005-024 and #26-005-025 from OP to C-1 Commercial District; changing TMP #26-005-049-001 and #26-005-049-11 from OP to C-2 Commercial District; all OP District properties on Route 313 between King Road and Upper Stump Road to remain in the OP District; modifying the allowable uses for the OP District.

Mr. Kennard stated that the OP/WSC District was discussed at a recent staff meeting and both Gilmore & Associates and John Rice agree with Ms. Bradley's recommendations. Mr. Cotton suggested he would like to see something added to the OP/WSC District that would allow for a WAWA or similar business. The Board directed staff to include a Conditional Use to allow for a WAWA or similar business.

**MOTION: Upon motion of Mr. Bodden, seconded by Mrs. Haun, and unanimously carried, the Board directed the Solicitor to draft and advertise an ordinance amending the OP District.**

**7.2. Curb Replacement in Brittany Farms:** Mr. Jones stated that the Public Works Department analyzed the curbing in Brittany Farms to determine what needed to be replaced prior to the roads being repaved in 2013. Ms. Bradley stated that the roads were scheduled to be repaved this year, however with the curbs being in their current condition, the paving was pushed off until 2013.

Mr. Cotton recommended that the Township hire a contractor to do the work, and if the residents cannot afford the cost, increase taxes to pay for curb replacement. Mrs. Haun stated that if the Township took on the cost, the project would need to go out for public bid at prevailing wage rates. Mr. Cotton added that there is a bill in the General Assembly that proposes increasing the project bidding limits to \$120,000.00, allowing municipalities to award contracts without prevailing wages or public bids. The legislation had not been passed to date.

Mr. Bodden added that curbs and sidewalks have always been the responsibility of the homeowner and that the Township does not have the funds to replace curbing. Mr. Bodden also stated that if there is a feasible way for the Township to help ease the burden, it will. Mr. Scanzillo asked Public Works Superintendent Wayne. Fultz what would happen if the paving project was put off for a couple years. Mr. Fultz responded that the curbs and road will continue to deteriorate, causing the project to become more expensive.

Mr. Jones called for Public Comment.

Mr. Jim Lynch of Cornwall Drive asked the Board if this is the first time this issue has come up. He felt it would be ideal for the Township to absorb the cost of replacement or have one contractor do the work. Mr. Kennard responded that Brittany Farms is the first development built in the Township with curbs. Mr. Fultz marked off the bare minimum of curbs to be replaced; if Gilmore had gone out, there would be more curbing requiring replacement. Mr. Kennard also stated that often municipalities just do the work and bill their residents.

Mr. Bruce Quedenfeld of Brittany Drive inquired if the Township had paid for the curb replacement on Brittany Drive several years ago, who determined which section of paving were to be replaced, and suggested the project be postponed or paid for by the Township. Mr. Jones stated that the Township had paid for the curb replacements on Brittany Drive due to the Township creating a problem with the curbs due to over-paving. Mr. Fultz added that he looked for any curbing that was leaning, visibly cracked, or looked like it would fall apart during the milling process. He chose the bare minimum to be replaced.

Mr. Rick Smith of Hampshire Drive thanked the Board for taking the time to hear the residents' concerns about replacing their curbs. He felt the job would be cheaper for the Township to accomplish and expressed concern that snowplows would destroy the new curbing. He asked that the project be postponed and the roadway patched instead of paved.

Mrs. Jennifer Ortiz of Hampshire Drive stated that the reason their curbs are destroyed is the contracted snowplows, and how could the Township ensure plows would not destroy the new curbing. Why is there a cost

for permits if the work is required by the Township? Mr. Bodden responded that there is a cost for the inspector to inspect curbing, but the Board would consider a fee reduction.

Mrs. Ortiz reported some prior instances of problems she and her husband had experienced in regards to the snowplows in winter. Mr. Fultz informed Mrs. Ortiz to call the Township or the Police Department when the incidents happen, as that is the only way he will know if there is a problem. Mr. Bodden informed the residents of the Civicall link on the Township website that allows residents to file a concern on line. By doing so, the resident can track their ticket on line and know when certain issues have been handled.

Mr. Dave Woods of Hampshire Drive stated that he agreed that most damage has been caused by the snowplows. Many residents do not have the money to replace their curbing in this economy and the curb markings are inconsistent. He asked that the Board wait and see if the General Assembly passes any new laws.

Mrs. Haun asked the residents if they would be upset with increased taxes to pay for curb replacements and the tax would be used for curb replacement throughout the Township. The residents did not voice any problems with this.

Mr. Neil Bolan of Hampshire Drive stated that he had not received a letter informing him that his curbs needed to be replaced, however his curbing was marked. Mr. Fultz said he would look into this for him.

Mr. Bodden also suggested that the Board table the topic to look into other options, and schedule a special meeting dedicated to this issue.

**MOTION: Upon motion of Mr. Bodden, seconded by Mr. Scanzillo, and unanimously carried, the Board tabled discussion of curb replacement in Brittany Farms, until a later meeting.** Affected residents would be notified of the date and time of the meeting.

**7.3. Cedar Hill Road Trail – Dunn ROW Condemnation Resolution #2012-10:** Ms. Bradley stated that part of the trail to be installed on Cedar Hill Road would go through a sanitary sewer easement on the Dunn property at the corner of Cedar Hill Road and Overlook Drive. The Township had met with the Dunn's multiple times to negotiate an easement and had offered compensation for placing the walking trail, but negotiations were stalled. Ms. Bradley requested that the Board approve a Resolution for Condemnation by Eminent Domain a portion of the Dunn property. The Township would continue to attempt to negotiate a settlement with the property owner.

**MOTION: Upon motion of Mr. Bodden, seconded by Mr. Scanzillo, and unanimously carried, the Board approved Resolution #2012-10, condemning a portion of the Dunn property by Eminent Domain for the purposes of installing a recreational walking trail.**

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

**8.1. Consortium Fuel Contract Awards:** Mr. Fultz reported that on March 28, 2012 the 2012 Bucks County Consortium Fuel Bids were opened by Upper Southampton Township. After reviewing the bids, Mr. Fultz recommended that the Board award the contracts for Regular Unleaded and On-Road Ultra Low Sulfur Diesel Fuel to Riggins, Inc. of Vineland, NJ, for the OPIS Exchange rate plus \$0.1470 per gallon delivery fee. The OPIS Exchange rate changes with the market; therefore, the bid specification is based on the OPIS rate (constant for all bidders) and the delivery charge.

**MOTION: Upon motion of Mrs. Haun, seconded by Mr. Bodden, and unanimously carried, the Board awarded the fuel contract for Regular Unleaded and On-Road Ultra Low Sulfur Diesel Fuel to Riggins, Inc. for the OPIS Exchange rate plus \$0.1470 per gallon delivery fee.**

Mr. Fultz recommended that the Board award a contract to Superior Plus Energy Services of Exton, PA for #2 Heating Oil for the OPIS Exchange rate plus \$0.1995 per gallon delivery fee, and Off-Road Diesel Fuel for the OPIS Exchange rate plus \$0.2998 per gallon delivery charge.

**MOTION: Upon motion of Mrs. Haun, seconded by Mr. Bodden, and unanimously carried, the Board awarded the fuel contract for #2 Heating Oil and Off – Road Diesel Fuel to Superior Plus Energy Services at the OPIS Exchange rate plus \$0.1995 per gallon delivery fee and OPIS Exchange rate plus \$0.2998 per gallon delivery charge respectively.**

**8.2. West Branch Park Contract Bid:** Ms. Benner reported that bids for the West Branch Park Renovation Project were opened on April 19, 2012. It is the Staff's recommendation to award the West Branch Park Base Bid, Alternate #4 (UG Conduit) and Alternate #5 (seeding) to the low bidder, Ply-Mar Construction of Plymouth Meeting, PA for \$245,091.00.

**MOTION: Upon motion of Mr. Bodden, seconded by Mr. Scanzillo, and unanimously carried, the Board awarded the West Branch Park Renovation contract to Ply-Mar Construction for a combined cost of \$245,091.00 (Base Bid, Alternate #4, and Alternate #5).**

**8.3. 2012 Road Program Contract Awards:** Mr. Fultz reported that on April 30, 2012, the 2012 Road Program Bids were opened for both Contract "A" (bituminous seal coating) and Contract "B" (bituminous wearing course). Mr. Fultz recommended that Contract "A" be awarded to Asphalt Maintenance Solutions LLC. of Allentown, PA for \$72,139.66.

**MOTION: Upon motion of Mrs. Haun, seconded by Mr. Scanzillo, and unanimously carried, the Board awarded Road Program Contract "A" to Asphalt Maintenance Solutions LLC. for \$72,139.66.**

Mr. Fultz recommended that Contract "B" be awarded to Bray Brothers of Fallsington, PA for \$198,527.45.

**MOTION: Upon motion of Mr. Bodden, seconded by Mr. Scanzillo, and unanimously carried the Board awarded Road Program Contract "B" to Bray Brothers for \$198,527.45.**

## **9. Consent Agenda:**

**MOTION: Upon motion by Mr. Cotton, seconded by Mrs. Haun, and unanimously carried, the Board approved the following Consent Agenda item: Roberts Technology Professional Services Agreement for construction of an 8,000 sq. ft. addition to their existing facility at 120 New Britain Boulevard and carrying a replenishable escrow of \$5,000.00.**

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

**11. Township Administration Comments:** Mr. Cotton announced that the Party on Parkway Celebration would take place on September 16, 2012.

**11.1. Pension Wrap Fee Agreement:** Ms. Bradley reported that the Township Pension Advisor, InR Advisory Services, LLC, recommended execution of a Wrap Agreement that would transfer asset management from Charles Schwab to TD Ameritrade. The transfer would result in a fee savings of about \$5,000.00 per year to the Township.

**MOTION: Upon motion by Mrs. Haun, seconded by Mr. Scanzillo, and unanimously carried, the Board approved execution of the Wrap Fee Investment Advisory Agreement between New Britain Township and InR Advisory Services, LLC, and transferring asset management from Charles Schwab to TD Ameritrade.**

**11.2. NE Extension/309 Corridor TMS:** Ms. Bradley presented a plan for Intelligent Transportation Systems installation along the Northeast Extension/Route 309 Corridor by PennDOT. The only portion of the project that affects New Britain Township is the intersection of Route 309 and Hilltown Pike in Line Lexington. Ms. Bradley stated that the Township would receive a Video Sharing Agreement and Maintenance Agreement in the future that would need to be executed should we wish to participate in the program. The program is similar to the ITS program for the Route 202 Parkway Corridor.

**11.3. BPG Management Company License Agreement:** Ms. Bradley reported that the New Britain Township Veterans' Committee would hold a Community Yard Sale on Saturday, June 2, 2012 at Highlands Park. Angela Benner had reached out to BPG Management Company to use their parking lot located at 1100 Manor Drive for overflow parking. BPG Management requested that a License Agreement be executed and liability insurance be provided to them prior the event. Mr. Reiss had reviewed the document and was agreeable with recommending execution.

**MOTION: Upon motion by Mr. Bodden, seconded by Mr. Scanzillo, and unanimously carried, the Board approved execution of License Agreement with BPG Management Company for use of their parking lot.**

**11.4. Opening of New Jersey Avenue and Cornwall Drive:** Ms. Bradley reported that Chalfont Borough had asked if New Britain Township would agree to the opening up of New Jersey Avenue and Cornwall Drive during reconstruction of the 202/152 Bridge in Chalfont.

Mr. Smith asked if two lanes of Route 202 could remain open during construction. Ms. Bradley stated that PennDOT required two lanes to remain open at all times.

Mr. Quedenfeld requested that Cornwall Drive remain closed for residents' safety.

Mr. Lynch asked that if Cornwall Drive was opened, would it remain that way permanently.

Chief Scafidi pointed out that traffic frequently backs up on Route 152 well past Cornwall Drive.

**MOTION: Upon motion by Mr. Scanzillo, seconded by Mr. Cotton, and unanimously carried, the Board approved Chalfont Borough opening New Jersey Avenue, but rejected opening Cornwall Drive due to safety concerns.**

Mr. Quedenfeld requested that New Jersey Avenue remain closed as well. Mr. Jones stated that the emergency access on New Jersey Avenue lies fully within Chalfont Borough, and that this Board had no authority to open or close the gates.

**12. Solicitor and Engineer Comments:** There were no comments at this time from the Solicitor or Engineer.

**13. Other Business:** There was no Other Business.

**14. Public Comment:** There was no Public Comment at this time.

**15. Payment of Bills:**

**15.1. Bills List dated May 10, 2012 for \$12,743.51:**

**MOTION:** Upon motion by Mr. Scanzillo, seconded by Mrs. Haun, the Board unanimously approved the Bills List dated May 10, 2012 for \$12,743.51.

**15.2. Bills List dated May 11, 2012 for \$311,320.50 (includes purchase of Police Server, Fire & EMS Tax and LST Distributions).**

**MOTION:** Upon motion by Mrs. Haun, seconded by Mr. Bodden, the Board unanimously approved the Bills List dated May 11, 2012 for \$311,320.50, which included tax distributions to Fire and EMS.

**16. Adjournment:**

**MOTION:** There being no further business or comment, a motion was made by Mr. Bodden, seconded by Mr. Scanzillo, and unanimously carried, to adjourn the meeting at 9:00 p.m.

#### **NEW BRITAIN TOWNSHIP BOARD OF SUPERVISORS**

\_\_\_\_\_  
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