

**BOARD OF SUPERVISORS
MEETING MINUTES
February 22, 2016**

A Regular Meeting of the New Britain Township Board of Supervisors was held on February 22, 2016, 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, III, Vice Chair A. James Scanzillo, Members John A. Bodden and Helen B. Haun. Also present were Township Manager Eileen M. Bradley, Township Solicitor Peter Nelson and Township Engineer Erik Garton. Supervisor Robert V. Cotton was absent.

- 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 prior to this meeting in Executive Session to discuss personnel issues and land acquisition.
- 4. Public Comment on Non-Agenda Items:** There was no public comment at this time.
- 5. Approval of Minutes:**
 - 5.1. Minutes of January 25, 2016 Board of Supervisors' Regular Meeting:**

MOTION: A motion was made by Mr. Scanzillo, seconded by Mr. Bodden and carried unanimously, to approve the January 25, 2016 Minutes as written.

6. Departmental Reports:

- 6.1. Code Department Report:** Ms. Bradley presented the Code Department Report for January 2016
- 6.2. Police Department Report:** Chief Scafidi presented the Police Department Report for January 2016
- 6.3. Public Works Department Report:** Ms. Bradley presented the Public Works Department Report for January 2016.

7. Consideration of Old Business:

- 7.1. Neshaminy Greenway Trail Discussion:** Ms. Bradley opened with discussion about the Neshaminy Greenway Trail (NGT). Ms. Bradley stated that the multi-municipal trail project began years ago and was made up of a number of trail sections linking together five different municipalities, and was intended to extend countywide.

The particular section being discussed tonight had previously received design grant funding. That funding was withdrawn when the proposed route was relocated to run on-road along Bristol Road to Upper State Road. The Grantor wished that the trail ran along the Neshaminy Creek as much as possible. The municipalities involved were then forced to seek alternate routes. The current design portion is fully funded by a grant that Chalfont Borough received through the Delaware Valley Regional Planning Commission (DVRPC), with the design and engineering work in the early stages. Ms. Bradley indicated on the map the existing trail sections throughout the region, and the proposed section under discussion this evening.

Mr. Shon Weldon of 223 Willow Wood Drive read to the Board of Supervisors an email that he sent to the Board on February 18, 2016. Mr. Weldon expressed his concerns with safety and privacy if a trail would be installed behind

his property. Mr. Weldon stated that the property currently floods, and the proposed trail could cause additional flooding.

Mr. Robert Evans of 211 Willow Wood Drive reiterated that a flooding issue already existed. If a trail was installed, he believes that it would be under water constantly. It was his understanding that the Public Works Department and Police would not be patrolling or maintaining the trail.

Mrs. Bonnie Curry of 213 Willow Wood Drive stated that she had also sent emails to the Board on February 19, 2016 and she handed out a hard copy to the Board at the meeting. Mrs. Curry stated that at the October 13, 2014 meeting, she and some of her neighbors expressed their concerns. It was her understanding that after that meeting, the plan was to move forward with an on-road option with the trail coming down Bristol Road and Upper State Road with an option of a loop trail in the open space behind Ruth Lane, not Willow Wood Drive. Mrs. Curry stated that the existing wooded area behind the Wyndham Homeowners' Association (HOA) open space area provided a buffer and screening from public access. Mrs. Curry hoped the Board would consider safety and privacy issues and go back to the on-road option.

Ms. Bradley stated that DVRPC, Bucks County, and PennDOT rejected the on-road option and that is why the initial funding was pulled. The current proposal was being investigated as the next-best option. Ms. Bradley added that these entities want the trail to be along the Neshaminy Creek as much as possible. Mr. Garton added that the Township was doing due diligence. If after engineering the design, it turned out that it would not work along the creek due to the flooding concerns that had been raised tonight; the engineering would provide the Township the ability to go back to DVRPC, Bucks County, and PennDOT and prove that the creek-side plan would not work.

Mr. John Ruzowski of 245 Willow Wood Drive stated that his understanding was that the homeowners on in Wyndham would be in partnership with this plan based on conversation at the meeting that took place in October 2014. However, he felt like they had been left out and not informed of any changes to the design. Mr. Ruzowski stated that he does not understand why the Board is wasting the taxpayer's money on a trail that is not wanted by the Wyndham residents. Mr. Ruzowski reiterated that the Wyndham residents have already stated they are against this design because the area floods, and there are huge safety concerns and privacy issues.

Ms. Elaine Apsche of 227 Willow Wood Drive stated that she received a letter in November 2014 from the Township Manager stating that the Township had agreed to take the proposed trail off the table. Ms. Bradley interjected stating that the letter did not say that, but that the Township would investigate other options. Ms. Apsche stated that she was outraged that the proposed trail backs up to her house and would invade her privacy. Ms. Apsche stated that she wanted the trail to go on the other side of the creek. She wanted to be copied on all correspondence regarding the trail going forward.

Mrs. Alicia Powers of 209 Willow Wood Drive stated that the previously proposed trail that went down the HOA's open space would have been 75 feet from her property and everyone in her neighborhood would be affected. Mrs. Powers stated that liability was a huge concern should individuals or animals stray from the trail onto the homeowners' properties. In addition, the residents paid fees to the HOA for the drainage system and she believed the trail would affect the existing drainage system. Ms. Bradley noted that the current proposed trail did not traverse any property owned by the HOA; the trail was proposed along the creek in open space owned by New Britain Township.

Mr. Paul Pereira of 243 Willow Wood Drive asked why the Board would spend taxpayer's money when residents were against the trail. Instead, the taxpayers should be included in the process, so that the Township could find a solution that everyone could embrace. Mr. Bodden asked the residents to come back with alternative solutions that had not already been rejected by the County and State agencies. Mr. Bodden added that the Board had not spent taxpayer's money, that the design was fully funded through a DVRPC grant that Chalfont Borough had obtained.

Mr. Bruce Quedenfeld of 100 Brittany Drive suggested that since Chalfont Borough obtained the grant for design that the Wyndham residents attend a Chalfont Borough Council meeting to present their case.

Mr. Weldon asked if the Board would consider the trail on the other side of the creek. Ms. Bradley stated that the current design was based on the County Plan. However, the County plan was flawed in that it showed the trail splitting someone's property in half and going through an actual house. The current design was targeted because New Britain Township already owns the open space where the trail was proposed.

Mrs. Julie Goodling of 247 Willow Wood Drive stated that paths were meant to connect and that the current design did not have connecting paths. Mrs. Goodling stated that there was no need for trails that go nowhere when there are plenty of trails that exist that go somewhere.

Mr. Jones stated that the Township was currently in the design phase, which would determine if the present design was viable and if the flooding would affect the trail. Mr. Scanzillo stated that he wanted to keep the residents of the Wyndham development a part of the process and suggested residents provide an appropriate point of contact to the Township. Ms. Bradley stated that currently the Township is in a holding pattern waiting on feedback from PennDOT and Pennsylvania Department of Environmental Protection (DEP), and might not have a response from these agencies for months. When that information comes back to the Township, she would be happy to share the information. Ms. Benner asked the residents to provide her with points of contact so she knew where to send any upcoming information.

Mr. Jones thanked the residents for their feedback on the proposed Neshaminy Greenway Trail design.

7.2. Barclay Road Subdivision: Mr. Brian Grant of Select Properties presented the Board with a revision to the Approved Final Subdivision Plan for the Barclay Road Subdivision. The Subdivision was subject to a 2002 Court Approved Stipulation Agreement. The Applicant proposed amending the Agreement to allow the structures on Lot #15 that were to remain to be demolished, and the lot to be further subdivided into Lot #15 and 15-A, resulting in the same number of dwelling units. Mr. Grant stated that the Applicant would comply with all items outlined in the Gilmore and Associates Review Letter dated February 17, 2016, and agreed to the terms of the Amended Stipulation. Mr. Grant requested approval of the amended plan and Stipulation.

Mr. Nelson added that the amended Stipulation covered all changes to requirements for Lot #15 and 15-A, and asked the Board to authorize the Chairman to execute the amended Stipulation once it was signed by the Applicant.

MOTION: A motion was made by Mr. Bodden, seconded by Mrs. Haun and carried unanimously, authorizing the Chairman to execute the Barclay Road Subdivision Amended Stipulation.

8. Consideration of New Business:

8.1. Holy Properties 324 Schoolhouse Road: Appearing for the Applicant, Holy Properties LLC, was Mr. John Tressler and Mr. Kris Reiss of Boucher and James Engineers and Mr. and Mrs. Steve Clauser, equitable owners. Mr. Tressler presented the Board with a proposed plan for 324 Schoolhouse Road. The proposed land development plan had been reviewed by the Planning Commission on February 9, 2016 and received a recommendation for preliminary approval subject to the conditions of the Gilmore and Associates letter dated February 2, 2016.

Mr. Tressler presented the proposed plan that reflected an existing single family home with several existing outbuildings and a barn. The property was currently used as a single-family residence; the Applicant proposed to use the property for a tree care business and corresponding office and equipment storage. The Applicant wished to improve the property with a pole barn to house his equipment and vehicles, in addition to adding stormwater management facilities to the back of the property. The Applicant requested nine waivers to Township Ordinances.

Subdivision and Land Development (SALDO) section 22-705.3 C & G requires full road widening, overlay and underdrain on Schoolhouse Road. Mrs. Haun stated that she would not agree to this waiver, as she would like to see the road widened consistent with parcels located below 324 Schoolhouse Road. Mr. Garton added that the property located directly above from them had not been granted final approval. Although that applicant proposed truck traffic exiting onto New Britain Boulevard, the Board could still require that applicant to provide full road widening as well. Mr. Garton clarified that the road widening would only be required at half width along the frontage of 324 Schoolhouse Road. The Board's consensus was that road widening was warranted.

Section 22-706.1B and 2B require curbs and sidewalks along the frontage of the project. The Applicant proposed to install an asphalt trail in lieu of concrete sidewalk and curbing. Mr. Garton stated that the Planning Commission supported this waiver. The Board expressed that they would support an asphalt trail in place of curbing and sidewalk.

Section 22-713.5.B(4) requires shadowbox fencing. The Applicant stated that shadowbox fencing is impractical, as a gate would be too heavy to move and would deteriorate over time. The Applicant proposed a slatted chain link fence. Evergreen trees at 10-foot spacing would provide screening along the outdoor storage areas. After discussion the Board expressed that they would accept the waiver as the gate was back over 100 feet from the road.

Section 22-706.1.C requires curbs for all parking areas. The Applicant proposed to allow stormwater to sheet flow through existing vegetation to proposed swales and stormwater BMPs. Mr. Garton stated that he was comfortable with the proposed stormwater management provided wood chips and debris were prevented from entering the basin. However, an Operation and Maintenance Agreement would be required. After discussion, the Board was satisfied.

Section 22-708.A. & B mandated minimum parking stall dimensions as 10-foot by 18-foot; however, the Zoning Ordinance called for 9-foot by 18-foot stalls. The Board saw no problem with the project meeting the minimum dimensions for the parking stalls as outlined in the Zoning Ordinance.

Sections 22-718 and 720 require public sewer and water in this particular area of the Township. The Applicant stated that the existing septic systems and well would provide adequate service. Mrs. Haun stated that she would not support this waiver, as the Township Act 537 Sewage Management Plan designated this section of the Township as requiring public water and sewer. After discussion, the Board stated that they would review any additional information provided by the Department of Health and DEP before a decision could be made on this waiver request.

Section 22-214 addressed stormwater volume requirements. The Applicant requested partial relief from providing full management of stormwater volumes. Infiltration testing was completed in several locations on the site and the tests yielded high limiting zones and/or poor infiltration rates.

Section 22-214.2.C(5) required 24 inches to a limiting zone. Eight tests were conducted throughout the site and these yielded limiting zones between 9 and 21 inches. An infiltration berm is proposed where the two test pits had mottling at 18 and 19 inches. A waiver was requested from the 24-inch separation required.

Per the Township Engineer's request, the Applicant stated that additional information would be provided to show that the plan is attempting to maximize the stormwater volumes infiltrated and to provide sufficient water quality measures to meet DEP NPDES requirements. After discussion, the Board agreed to allow both of the above stormwater-related waivers at the discretion of the Township Engineer.

Sections 22-406 and 22-404 require separate Preliminary and Final Plan submissions. The Applicant requested a waiver to submit one Preliminary/Final application due to the size of the project. After feedback from the Board, Mr. Tressler requested that approval be tabled to allow the Applicant time to review the discussion and suggestions before requesting approvals.

MOTION: A motion was made by Mrs. Haun, seconded by Mr. Scanzillo and carried unanimously, to table the request for preliminary approval of the Holy Properties LLC Application for Land Development of 324 Schoolhouse Road.

9. Consent Agenda:

MOTION: Upon motion by Mr. Bodden, seconded by Mr. Scanzillo, the Board unanimously approved the following Consent Agenda item: Professional Services Agreement for Blue Bus Holdings, LLC, Schoolhouse Road, TMP #26-001-103.001, with corresponding legal and engineering escrow of \$25,000.00.

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

11. Township Administration Comments:

11.1. Vacancies on Boards and Commissions: Ms. Bradley stated that the Park and Recreation Advisory Board had made recommendations for two vacancies on their Board.

MOTION: A motion was made by Mr. Bodden, seconded by Mrs. Haun and carried unanimously, to appoint Mrs. Kathy Sexton and Ms. Jessica O'Hare to the Park and Recreation Advisory Board for a one-year term.

Ms. Bradley noted that the Board needed to appoint a voting delegate for the upcoming Bucks County Association of Township Officials (BCATO) Annual Convention and the annual Pennsylvania Association of Township Supervisors (PSATS) Convention.

MOTION: A motion was made by Mr. Bodden, seconded by Mr. Scanzillo and carried unanimously, to appoint William B. Jones, III as Voting Delegate to the BCATO and PSATS Annual Conventions.

11.2. Easement Agreement for Township Welcome Sign: Mr. Nelson stated that Trinity Health Care had executed an easement agreement on behalf of the Township for additional right-of-way on the parcel they own at the intersection of County Line Road and Upper State Road. The area is the site of a gateway sign that had been demolished by PennDOT several years ago during the widening of County Line Road; the Township planned to reconstruct the sign at that location.

MOTION: A motion was made by Mrs. Haun, seconded by Mr. Bodden and carried unanimously, to authorize execution of an easement agreement with Trinity Health Care, allowing New Britain Township to erect a Township Gateway Sign near the intersection of County Line Road and Upper State Road.

11.3. Promotion of Kelsey Ganther from Probationary Employee to Permanent Employee: Ms. Bradley stated that Kelsey Ganther of the Public Works Department had completed his six-month probationary period and that both she and Superintendent Wayne Fultz recommended Mr. Gunther's promotion from Probationary to Permanent.

MOTION: A motion was made by Mr. Bodden, seconded by Mrs. Haun and carried unanimously, to promote Kelsey Ganther from Probationary Employee to Permanent Employee with a corresponding increase to \$50,468.00 annually (\$24.26 per hour).

11.4. Execution of Land Studies Proposal for Services for MS4 Permit Audit Review: Ms. Bradley stated that Land Studies would perform a compliance audit on the Township's Municipal Separate Storm Sewer Program (MS4) to evaluate its effectiveness and compliance with state and federal regulations. The audit would cost \$1,250.00 and would be beneficial to assess compliance as well as improve the MS4 program overall.

MOTION: A motion was made by Mrs. Haun, seconded by Mr. Bodden and carried unanimously, to authorize execution of Land Studies Proposal for Services for MS4 Permit Audit Review at a cost of \$1,250.00.

11.5. Bucks County Consortium Road Materials Bid: Ms. Bradley informed the Board that bids were due in the 2016 Consortium Road Materials Contract Bid by 9:30 a.m. on Friday, February 26, 2016. This contract along with the 2016 Consortium Sign Materials Contract would be on a future agenda for award.

11.6. Appraisal Authorization: Ms. Bradley requested authorization to order an appraisal on a parcel of land in New Britain Township.

MOTION: A motion was made by Mr. Scanzillo, seconded by Mrs. Haun, the Board authorized staff to order an appraisal for a property located in the Township.

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: Mr. Quedenfeld inquired as to how one could apply to be on a Township Board. Ms. Bradley stated that the Volunteer Application form could be downloaded from the Township website under "General Information".

15. Payment of Bills:

15.1. Bills List dated February 10, 2016 for \$32,730.84:

MOTION: Upon motion by Mrs. Haun, seconded by Mr. Bodden, the Board unanimously approved the Bills List dated February 10, 2016 for \$32,730.84.

15.2. Bills List dated February 10, 2016 for \$28,249.12:

MOTION: Upon motion by Mr. Bodden, seconded by Mr. Scanzillo, the Board unanimously approved the Bills List dated February 10, 2016 for \$28,249.12.

15.3. Bills List dated February 18, 2016 for \$173,728.40:

MOTION: Upon motion by Mrs. Haun, seconded by Mr. Scanzillo, the Board unanimously approved the Bills List dated February 18, 2016 for \$173,728.40.

16. Adjournment:

MOTION: There being no further business or comment, a motion was made by Mr. Bodden, seconded by Mrs. Haun, and unanimously carried, to adjourn the meeting at 8:45 p.m.

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NEW BRITAIN TOWNSHIP BOARD OF SUPERVISORS

William B. Jones, III, Chair

A. James Scanzillo, Vice Chair

John A. Bodden, Sr., Member

Robert V. Cotton, Member

Helen B. Haun, Member

Attest: _____
Eileen M. Bradley
Secretary/Manager