

**BOARD OF SUPERVISORS
MEETING MINUTES
January 22, 2018**

A Regular Meeting of the New Britain Township Board of Supervisors was held on Monday, January 22, 2018, at the Township Administration Building, 207 Park Avenue, New Britain Township, PA, beginning at 7:00 p.m. Present were Supervisors: Chair A. James Scanzillo, Vice Chair Helen B. Haun., Members William B. Jones, III, Gregory T. Hood and Cynthia M. Jones. Also present were Township Manager Eileen M. Bradley, Township Solicitor Peter Nelson, Esq., and Township Engineer Janene Marchand.

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

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

3. Announcements: Mr. Scanzillo announced that the Board had met in Executive Session prior to this Meeting to discuss personnel issues and land acquisition.

3.1. McCabe v. ZHB (Sober House): Mr. Steve Gudknecht of E. Fairwood Drive addressed the Board about the Zoning Hearing Board (ZHB) decision to uphold the Zoning Officer's issuance of a Certificate of Occupancy for a Sober House at 102 Harrison Forge Court. Mr. Gudknecht read a letter and statement that he had read at the Zoning Hearing Board on October 11, 2017, stating that he believed that the ZHB decision was improper. Mr. Gudknecht stated that the community would be filing an appeal to the Court of Common Pleas and asked for any support the Board could give in that pursuit.

Mrs. Michele Butler of E. Fairwood Drive also addressed the Board about the same ZHB decision. She stated that the ZHB did not address the issue of tenant registration, Foundation House as a leasing agent, or Home Occupation.

Mr. Tom Misiak of E. Fairwoods Drive added that when residents of the house went from men to women, this constituted a change in occupancy, thus a new use and occupancy certificate. He stated that any change in occupancy should result in a new use and occupancy inspection. Mr. Misiak asked the Board to look into the other sober home in the township for similar violations. He stated he would provide his statement in writing to Ms. Bradley.

Ms. Mary Beth McCabe, Esq. of E. Fairwoods Drive stated that they would be filing an appeal and that the appellant would be conducting thorough discovery for the new appeal. Ms. McCabe noted that she had reported to Ms. Bradley that the mentors should be reporting EIT taxes.

Mr. Nelson addressed the issue of home occupation at the Board's request. Mr. Nelson stated that Foundation House was not claiming to run a home occupation, only to be leasing to a "family".

4. Public Comment on Non-Agenda Items: There was no Public Comment at this time.

5. Approval of Minutes:

5.1. Minutes of Meeting of January 2, 2018:

MOTION: A motion was made by Mr. Jones, seconded by Mrs. Haun and unanimously approved, to accept the January 2, 2018 Minutes as written.

6. Departmental Reports:

6.1. Code Department Report for December 2017: Ms. Bradley presented the Code Department Report for December 2017.

6.2. Police Department Report for December 2017: Chief Scafidi presented the Police Department Report for December 2017.

6.3. Public Works Department Report for December 2017: Ms. Bradley presented the Public Works Department Report for December 2017.

6.4. Planning Department Report 2017: Ms. Bradley presented the Planning Department 2017 Year-End Report.

7. Consideration of Old Business: There was no Old Business at this time.

8. Consideration of New Business:

8.1. Shrine of Our Lady of Czestochowa Request for Waiver of Land Development: Ms. Bradley stated that the Shrine was seeking a waiver of Land Development for minor repairs to a covered walkway and installation of an elevator. The repairs would increase ADA Accessibility to the Shrine without increasing impervious surface.

MOTION: A motion was made by Mr. Hood, seconded by Mrs. Jones and unanimously approved, to grant a waiver of full land development for the Shrine of Our Lady of Czestochowa Accessibility Project. The waiver did not grant relief from requirements to submit building permit applications.

8.2. Wawa Sketch Plan: Appearing for the Applicant, Provco, Pineville Properties and Goodman Properties, was: Mr. John A. VanLuvanee, Esq. of Eastburn & Gray, P.C.; Mr. William Reardon, P.E. of Bohler Engineering; and Mr. Michael Cooley of Provco. Mr. Cooley stated that the existing Wawa store located at the corner of E. Butler Avenue and County Line Road was a legacy store consisting of 3,326 square feet with 24 parking spaces on 0.85 acres. The proposed new Wawa would be 5,586 square feet with 12 pumping stations, 62 parking spaces, full access to the ACME site, with a traffic signal across from the New Britain Village Shopping Center, and two points of ingress/egress. Mr. Cooley requested direction from the Board to decide between the Use J31 (Planned Community Center Mixed Use, or PCCM) or Use J19 (Service Station/Car Wash), both of which would require variances.

Mr. VanLuvanee stated the J19 Service Station Use would require a variance for square footage of the proposed store. The variance for the J31 PCCM Use would require a variance for the total acreage of the property. Mr. VanLuvanee stated that the J31 use would allow for more Board control of a phased project, with no plans at present to develop the remaining land. Mr. Cooley added that if the properties along E. Butler Avenue could be purchased in future, a larger development project could be undertaken.

Mr. Hood stated that he would like to see a design that shows improvements to the Creamery Tires Property along County Line Road.

8.3. Deed of Consolidation Cotton Park: Ms. Bradley stated that the Deed of Consolidation would consolidate the land recently acquired from Quad Graphics with the existing Cotton Park land under one deed.

MOTION: Upon motion by Mr. Hood, seconded by Mr. Jones, the Board unanimously authorized the Chair to execute and record the Deed of Consolidation for Cotton Park.

9. Consent Agenda:

MOTION: Upon motion by Mrs. Haun, seconded by Mr. Jones, the Board unanimously approved the following Consent Agenda items: Final Payment Release #5 for DESCCO for construction of the New Galena Road Bridge for \$208,484.01, including a Change Order for -\$24,498.17, bringing the total contract to \$640,232.41; Final Payment for MorganRail Inc. for remedial work on the guiderail system for the New Galena Bridge for \$5,152.00; Escrow Release #2 for Prestige Property Partners LLC and Meridian Bank for The Vineyard at Peace Valley for \$80,820.00, leaving \$777,861.13; Execution of a Professional Services Agreement for David Labrozzi for construction of a single family dwelling on Creek Road, with corresponding legal and engineering escrow of \$5,000.00; Certificate of Completion #6 for New Britain Business Park Lot 20-2 for SkyZone Building in the amount of \$26,264.30, leaving \$61,347.90 remaining.

Ms. Bradley asked the Board to move item #6 of the Consent Agenda, the Schmidt Baking Building Escrow Release #2, to Township Administration Comments and approve it separately from the other Consent Agenda Items.

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

11. Township Administration Comments:

11.1. Resolution #2018-06, Records Dissolution of Tax Records: Ms. Bradley stated that Resolution #2018-06 would authorize the document destruction of certain Real Estate Tax Collector Records, under the directives of the Pennsylvania Municipal Records Retention Manual.

MOTION: Upon motion by Mrs. Haun, seconded by Mrs. Jones, the Board unanimously approved Resolution #2018-06, Records Dissolution of Tax Records.

11.2. Mark and Linda Montagna Zoning Hearing Board Application: Ms. Bradley stated that on Thursday, February 15, 2018, the Zoning Hearing Board would consider the application of Mark and Linda Montagna, 206 Green Valley Way, TMP #26-035-033. The applicant wished to build an addition to their single-family dwelling (B2 cluster) and was seeking a variance from impervious surface requirements (26.1%, where only 25% is allowed). Ms. Bradley recommended leaving the issue up to the Zoning Hearing Board.

11.3. Appointing Nancy B. Jones as the Deputy Tax Collector: Ms. Bradley stated that newly elected real estate tax collector Nicole Percetti had asked to appoint Nancy B. Jones as her Deputy Tax Collector. Ms. Bradley asked the Board to approve this appointment.

MOTION: Upon motion by Mr. Hood, seconded by Mrs. Haun, the Board unanimously approved appointing Nancy B. Jones as the Deputy Tax Collector.

11.4. Final Escrow Release #2 for New Britain Business Park Lot 20-1 for the Schmidt Baking Building: Ms. Bradley stated that the final escrow release would be for \$150,000.00. She stated the property itself was completely constructed, but was subject to a parking lot cross easement with the adjacent SkyZone property. Ms. Bradley stated that due to the cross easement with Lot #20-2, the release had been withheld waiting for parking lot improvements to be completed by Lot #20-2.

Mr. Nelson instructed the Board that they would need to make a motion to accept the project as complete with public improvements to release the final escrow of \$150,000.

MOTION: Upon motion by Mr. Jones, seconded by Mr. Hood, the Board unanimously approved acceptance of the Schmidt Bakery project public improvements as complete, and execution of Final Escrow Release #2 for New Britain Business Park Lot #20-1 for the Schmidt Baking Building for \$150,000, leaving zero dollars remaining.

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

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

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

15. Payment of Bills:

15.1. Bills List dated January 22, 2018 for \$222,670.48:

MOTION: Upon motion by Mr. Hood, seconded by Mrs. Haun, the Board unanimously approved the Bills List dated January 22, 2018 for \$222,670.48.

16. Adjournment:

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

NEW BRITAIN TOWNSHIP BOARD OF SUPERVISORS

A. James Scanzillo, Chair

Helen B. Haun, Vice Chair

William B. Jones, III, Member

Gregory T. Hood, Member

Cynthia Jones, Member

Attest: _____
Eileen M. Bradley
Secretary/Manager