

**BOARD OF SUPERVISORS
MEETING MINUTES
September 14, 2020**

A Work Session Meeting of the New Britain Township Board of Supervisors was held on Monday, September 14, 2020, at the Township Administration Building, 207 Park Avenue, New Britain Township, PA, beginning at 9:00 a.m. Present were Supervisors: Chair William B. Jones, III, Vice-Chair Helen B. Haun, Members Cynthia M. Jones, and MaryBeth McCabe, Esq. Absent was Supervisor Gregory T. Hood. Also present was Assistant to the Manager Michael Walsh, the Township Solicitor Peter Nelson, Esq., and Township Engineer Craig Kennard. Township Manager. Manager Eileen M. Bradley was present via Zoom video conferencing.

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 prior to this Meeting to discuss personnel issues and litigation. The Board would also meet in Executive Session immediately following this meeting to discuss personnel issues.
- 3.1. **Years of Service Awards:** Mr. Jones presented a Fifteen-Year Service Award to Public Works/Park and Recreation employee Anthony Passerini and a Five-Year Service Award to Public Works employee Kelsey Ganther. The Board thanked them for their service.

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 August 17, 2020:**

MOTION: A motion was made by Mrs. Haun, seconded by Mrs. Jones and unanimously approved to accept the August 17, 2020 Minutes as written.

6. **Departmental Reports:** There were no Departmental Reports at this time

7. **Consideration of Old Business:**

7.1. **Comcast Franchise Agreement Discussion:** Mr. Walsh stated that New Britain Township, along with a number of other municipalities from the Bucks County Consortium, engaged in franchise agreement negotiations with Comcast and Verizon, as both franchise agreements were set to expire. Court case law had determined that cable companies were now in fact deemed public utilities and have hampered municipal abilities to negotiate with cable companies as they have in the past.

Cable Franchise Fees represented approximately \$280,000 in annual General Fund revenue for the Township. By executing this agreement, Comcast would be required to provide service throughout New Britain Township, continuing to give residents an option between Comcast and Verizon.

Mr. Walsh stated that in the past, Comcast had provided a capital grant for televising municipal meetings. While the agreement called for an \$11,500 grant, the agreement allowed those funds to be taken directly from

franchise fees, hampering Township use of those funds. Staff recommended forgoing the grant as outlined in the agreement.

Ms. McCabe asked if it mattered how the grant funds were received. Mr. Nelson stated that if the funds were taken as a grant, the money would be restricted to a specific use, whereas, forgoing the grant would allow the Township to utilize the funds without restriction.

Mrs. Jones asked if there was still an educational/government channel that could only be used by either the school district or the Township. Ms. Bradley stated that the agreement provided for one channel, reserved for the Township. Mrs. Jones then asked if the Township utilized the free internet connection provided for public facilities. Ms. Bradley stated that while the Township no longer used the free internet connection because it was inadequate for the Township's need, the agreement removed any free internet connections from all public entities. The loss of free cable could have a minor impact on the Fire Company and EMS.

Mr. Walsh stated that Staff was looking for action at the next meeting of the Board.

8. Consideration of New Business:

8.1. Harris/Hamilton Lot Line Change: Appearing for the Applicant was Mr. John VanLuvanee, Esq. of Eastburn and Gray, P.C. Mr. VanLuvanee presented the Board with the background of the property and presented a plan to divide an undersized lot between two adjoining undersized lots. The two remaining lots would still be undersized, but their nonconformity would be reduced. No development or construction was proposed at this time.

Mr. Jones asked if the proposed Omnibus Zoning Amendment would have any impact on the properties being discussed. Mr. Nelson stated the allowable impervious would increase from 8% to 12% for both landowners. As both lots would still be undersized, they would still be prevented from development beyond standard accessory residential uses. Mr. Kennard stated that Gilmore had no issues with the plan or waiver requests.

MOTION: Upon motion by Mrs. Haun, seconded by Mrs. Jones, and unanimously carried, the Board approved granting approval and a waiver of Land Development, conditioned upon the applicants' compliance with sections III.A.1, III.A.4 and III.B.3 of the Gilmore Review letter dated September 10, 2020.

8.2. D'Alessio 3-Lot Sketch Plan: Appearing for the Applicant was Mr. Scott Mill, R.L.A. of Van Cleef and the Applicant Jonathan Thomas of Audax Homes, LLC on behalf of the owners., Mr. and Mrs. D'Alessio. Mr. Mill stated that the Applicant requested feedback on a proposed 3-Lot Sketch Plan on Old Limekiln Road. They would be seeking waivers from roadway improvements that would require them to move five (5) utility poles, a waiver from the basin size, and lot depth-to-width ratios. Mr. Thomas stated that any road widening would result in the need to move utility poles, which would be costly for such a small project.

Mr. Jones asked if there was a basin planned for existing Lot #1 one. Mr. Mills stated that stormwater management would be addressed should the project move beyond the sketch phase. Mr. Jones then asked if there was room for widening the road without moving the poles. Mr. Mills stated that the existing swale would require relocating the poles.

Ms. McCabe stated that she did not believe sidewalks made sense, but would there be curbing and a culvert.

Ms. Bradley stated that there was no culvert or curbing in this area. This road had major stormwater issues, so perhaps a compromise could be made by adding more stormwater improvements in lieu of other roadway improvements. Mrs. Haun stated that she is generally in favor of road widening, but increasing the funds used for stormwater could be a beneficial compromise.

Mr. Kennard stated that he did not foresee an issue with a waiver from the lot depth to width ratios and agreed that curbs and sidewalks would not be needed in the area. Traditionally, the Board had elected for minimal road widening of at least two (2) feet. He recommended Staff investigate the road for both road improvements and stormwater, before providing feedback on these two items. The Board agreed with Mr. Kennard's recommendation.

8.3. Budget 2021 Discussion: Mr. Walsh provided the Board with a status update of the proposed 2021 budget, and sought Board input on the Budget, including capital projects, tree removal costs, and potential cuts from departmental budget requests, etc.

Ms. McCabe asked what was the engineering money designated for the redesign of Cotton Park. Ms. Bradley stated that there was additional land purchased for the park and that Gilmore was in the middle of reworking the Master Site Plan for the design of the Park.

Mr. Walsh stated that Staff would be prepared to present a Preliminary budget at the October Work Session meeting.

9. Consent Agenda:

MOTION: Upon motion by Mrs. Haun, seconded by Ms. McCabe, the Board unanimously approved the following Consent Agenda items: Execution of a Professional Services Agreement with Joseph G. Murphy for construction of swimming pool for 11 Keller Road, TMP #26-004-034-004, with corresponding legal and engineering escrow of \$5,000.00; an Intergovernmental Agreement between Hilltown Township, Hilltown Township Water and Sewer Authority, New Britain Township and Chalfont-New Britain Township Joint Sewer Authority to allow four (4) lots within Hilltown Township to be connected to the system owned and maintained by the Chalfont-New Britain Township Joint Sewer Authority; an Intergovernmental Cooperation Agreement between Hilltown Township and New Britain Township will allow a portion of Mill Ridge Drive within Hilltown Township to be maintained by New Britain Township (to include patching, paving, snow and ice removal, routine maintenance) in consideration of payment of a portion of its corresponding annual Liquid Fuels tax receipts; a First Amendment to Release and Indemnity Agreement between Bucks County, New Britain Township and Chalfont-New Britain Township Joint Sewer Authority (CNBTJSA) that would allow CNBTJSA to continue surveying, flagging, and benchmarking on the property at New Galena and Walters Roads, TMP #26-001-049, for a proposed pump station and sewer line, through March 31, 2021; Certificate of Completion #4 for Provco Pinegood Chalfont, LLC for W. Butler Avenue WAWA Project in the amount of \$88,632.45, leaving \$431,219.39 remaining.

10. Board of Supervisors' Comments: Mrs. Haun asked Mr. Nelson if the Township could use funds from the tree planting fund obtained from developers to remove dead or dying trees. Mr. Nelson stated that those funds were currently for planting trees only. The Township could modify future agreements with developers to allow maintenance and removal of trees.

Ms. McCabe asked if we currently had a survey of dead trees. Mr. Walsh stated that Public Works and Park and Recreation Departments take note of any dead Ash trees that need removal as they are reported. Ms. Bradley added that current policy was addressing trees bordering private property or roadways first. The tree removal budget had tripled in recent years. At our annual risk assessment meeting, this policy was discussed and approved by the insurance carrier adequate and prudent.

Ms. McCabe stated that there was a dead tree on Ferry Road in danger of falling on the roadway. Ms. Bradley stated that the Police Department had spoken to the homeowner. Ms. McCabe asked who is responsible for the tree if it falls. Ms. Bradley stated that the roadway and right-of-way belonged to PennDOT, but removal of the tree was the responsibility of the homeowner. Our Public Works Department, however, would clear the road if necessary, as PennDOT was not very responsive.

11. Township Administration Comments:

11.1. Authorization to Sell 2008 Ford Explorer: Mr. Walsh stated that the Public Works Department wished to sell a 2008 Ford Explorer and requested authorization to advertise and place the item for sale on Muncibid.com.

MOTION: A motion was made by Ms. McCabe, seconded by Mrs. Jones and unanimously approved to grant Authorization to Sell 2008 Ford Explorer.

11.2. Upcoming Zoning Hearing Board Hearings: Mr. Walsh that the Zoning Hearing Board had two (2) hearing dates scheduled this month: September 17, 2020 at 7:00 p.m. would be a Special Exception for Distinctive Landscaping SE, 619 Limekiln Pike; variances for McDonald's USA, LLC, 4272 County Line Road; and a Special Exception for Schmidt, 338 Park Avenue; September 29, 2020 at 7:30 p.m. would be Edward Mortimer, 55 Curly Mill Road.

Mr. Walsh stated that all of the hearings would be held in person at the Township Building. The Board had already considered two of the applications, Distinctive Landscaping and McDonald's. The Board had also voted to send the Township Solicitor to oppose the Mortimer application. Mr. Walsh stated that the Schmidt application was the only new hearing for the Board to consider.

Mr. Nelson stated that the application was for operating a massage therapy business. The business would operate by appointment, hours of operation would be from 9:00 a.m. to 6:00 p.m., Tuesdays through Fridays, and from 9:00 a.m. to 1:00 p.m., on Saturdays.

The Board took no position on the Schmidt application.

11.3. 2021 Police Minimum Municipal Obligation (Resolution #2020-16): Mr. Walsh presented to the Board the Police Pension Fund and the Non-Uniform Pension Fund Minimum Municipal Obligation (MMO) statements, as outlined in the proposed Resolutions before the Board.

MOTION: A motion was made by Mrs. Haun, seconded by Ms. McCabe and carried unanimously, to adopt Resolution #2020-16, the 2021 Minimum Municipal Obligation requiring a payment of \$113,164 to the Police Pension Fund.

11.4. 2021 Non-Uniform Minimum Municipal Obligation (Resolution #2020-17):

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MOTION: A motion was made by Mrs. Jones, seconded by Mrs. Haun and carried unanimously, to adopt Resolution #2020-17, the 2021 Minimum Municipal Obligation requiring a payment of \$17,755.00 to the Non-Uniform Pension.

11.5. Resolution #2020-18, Use of Outdoor Areas (COVID Accommodations Extension): Mr. Walsh stated that the proposed resolution extended the opportunity for businesses to utilize outdoor spaces during the COVID-19 pandemic. The resolution followed guidelines as outlined in Resolution 2020-13 as well as the CDC and BCHD safety guidelines, but did not have a specific end date. The Board would need to take action to revoke the permits given for outdoor dining and retail once the pandemic was ended.

Mrs. Jones asked if many restaurants had taken advantage of outdoor dining. Mr. Walsh stated that only a few businesses had applied for outdoor permits.

MOTION: A motion was made by Ms. McCabe, seconded by Mrs. Haun, and unanimously approved, to adopt Resolution #2020-18, Use of Outdoor Areas (COVID Accommodations Extension).

11.6. 2020-2021 Consortium Salt Contract Award: Mr. Walsh stated that the Township had again participated in the Bucks Consortium Joint Salt Bid for 2020-2021. Morton Salt was the apparent lowest responsible bidder at \$47.75 per ton delivered, which was a \$0.50 per ton decrease from last year's price.

MOTION: A motion was made by Mrs. Haun, seconded by Ms. McCabe and carried unanimously, to award the 2020-2021 Salt contract to Morton Salt at \$47.75 per ton delivered.

11.7. 113 Dolly Lane Pest Control: Mr. Walsh stated that he had spoken with Ehrlich about the current activity of pests at 113 Dolly Lane. Ehrlich believed that the activity at the traps was normal and the bait traps were not empty of bait when they were serviced. Ehrlich did not recommend a change in tactics at this point. Mr. Walsh stated that he requested a quote to increase the number of traps and service from Ehrlich. He also asked Terminix for a quote on identical services.

Ms. McCabe asked to be notified when the information was available. Mr. Walsh stated that he would make sure the information was sent to the entire Board. He also stated that he had been providing the neighbors with a bi-weekly update. Mr. Walsh then asked the Board to authorize staff to take action to increase service if the information obtained warranted an increase in service.

MOTION: Upon motion by Ms. McCabe, seconded by Mrs. Jones, and unanimously carried, the Board authorized staff to take action to increase service for pest control at 113 Dolly Lane, if needed.

12. Solicitor and Engineer Comments: Mrs. Jones asked if any feedback had been received regarding the proposed Omnibus Amendment. Mr. Walsh and Mr. Nelson stated that no public comment had been received to date. Mrs. Jones asked Mr. Nelson why horses were not covered under household pets in the proposed amendment. Mr. Nelson stated that horses were covered under agricultural uses.

Mr. Kennard stated that the Assal/Mill Ridge Project was aiming to schedule a pre-construction meeting soon. Gilmore was working on plans and cost estimates for all culvert repairs. He commended New Britain Township on investing in infrastructure, which is not always the case at some municipalities.

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 August 26, 2020 for \$3,261.45 (medical reimbursements):**

MOTION: Upon motion by Mrs. Haun, seconded by Mrs. McCabe, the Board unanimously approved the Bills List dated August 26, 2020 for \$3,261.45 (medical reimbursements).

15.2. **Bills List dated August 28, 2020 for \$324.00 (medical reimbursements):**

MOTION: Upon motion by Mrs. Jones seconded by Mrs. McCabe, the Board unanimously approved the Bills List dated August 28, 2020 for \$324.00 (medical reimbursements).

15.3. **Bills List dated September 1, 2020 for \$430,591.20:**

MOTION: Upon motion by Mrs. Haun seconded by Mrs. Jones, the Board unanimously approved the Bills List dated September 1, 2020 for \$430,591.20.

15.4. **Bills List dated September 2, 2020 for \$1,580.04 (medical reimbursements):**

MOTION: Upon motion by Mrs. Haun seconded by Ms. McCabe, the Board unanimously approved the Bills List dated September 2, 2020 for \$1,580.04 (medical reimbursements).

15.5. **Bills List dated September 4, 2020 for \$118,641.38:**

MOTION: Upon motion by Ms. McCabe seconded by Mrs. Jones, the Board unanimously approved the Bills List dated September 4, 2020 for \$118,641.38.

16. **Executive Session:** At 10:15 a.m., the Board convened into Executive Session to discuss personnel issues. No decisions were made during that time.

17. **Adjournment:**

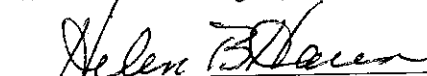
MOTION: There being no further business or comment, a motion was made by Ms. McCabe seconded by Mrs. Jones, and unanimously carried, to adjourn the meeting at 11:15 a.m.

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NEW BRITAIN TOWNSHIP BOARD OF SUPERVISORS




William B. Jones III, Chair




Helen B. Haun, Vice Chair



Gregory T. Hood, III, Member

Attest: 

Eileen M. Bradley
Secretary/Manager



Cynthia Jones, Member



MaryBeth McCabe, Esq., Member