

**BOARD OF SUPERVISORS  
MEETING MINUTES  
July 20, 2020**

A Regular Meeting of the New Britain Township Board of Supervisors was held on Monday, July 20, 2020, 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 Helen B. Haun, Members Gregory T. Hood, Cynthia M. Jones, and MaryBeth McCabe, Esq. Also present were Township Manager Eileen M. Bradley, Township Solicitor Peter Nelson, Esq., and Township Engineer Craig Kennard.

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, land acquisition and litigation.
4. **Public Comment on Non-Agenda Items:** Ms. Margaret Briggs of Forest Park Drive asked if the Township would consider providing an alternative means to view the meetings by improving the audio and video of the Zoom meeting for residents that did not wish to attend in person meetings because of COVID-19.

Ms. MaryAnn McBrearty of Dolly Lane asked what kind of traps were set by Ehrlich Pest Control at 113 Dolly Lane and what plans were in place to ensure the property did not fall into disarray. Mr. Walsh stated that he had inquired from Ehrlich the information about the traps and had not heard back. He would follow up this week with Ehrlich. Ms. Bradley stated that the Township had engaged a landscaper that morning to mow the grass on a bi-weekly basis.

Ms. Kelly Kaufman of Dolly Lane stated that she was concerned about safety because of the wild animals. Ms. McCabe stated that the Township could not clean up all the animals, especially, since animals like foxes, groundhogs, and other animals are native to the area.

Ms. Kaufman asked if there was any update on the court date. Mr. Nelson stated that no date had been set because the property owner had not yet been served by the sheriff's office.

**5. PUBLIC HEARING: Distinctive Landscaping Conditional Use:** Mr. Jones opened the Public Hearing at 7:10 p.m. A stenographic record was taken for the Public Hearing portion of the meeting. Appearing for the Applicant, 619 N Limekiln Pike was Zachary Sivertsen, Esq. of Eastburn and Gray and James Umlauf, owner of Distinctive Landscaping. Mr. Sivertsen amended the application to include Mr. Steve White, the current property owner, as a co-applicant. Mr. Nelson asked if anyone present would like to become a party to the hearing. No residents requested party status.

Mr. Sivertsen presented evidence in aid of obtaining Conditional Use for an accessory L2 Outside Storage Use of the property at 619 N Limekiln Pike in the WS Watershed District. The applicant proposed no expansion of the existing uses and that no work or construction would take place on site.

The Applicant stated that the business had ten (10) employees who would be onsite a short time in the mornings and evenings to get their vehicles, with the exception of one full-time office staff who would remain onsite. Fewer than 15 vehicles would be periodically stored onsite, with most stored inside. The applicant proposed: no expansion of the existing impervious surface; the addition of four (4) landscaping bins up to a total of 500

s.f. to hold small amounts of waste asphalt and concrete for later disposal, as well as clean stone and modified 2A stone. An existing residential rental unit would continue as currently used. No increase in lighting or parking was proposed.

Ms. Bradley asked if the applicant had any intention of adding a second commercial use. Mr. Umlauf stated that that the existing residential use and his commercial use of the property would be the only uses of the property.

Ms. McCabe asked if he would be cutting down any trees on the site. Mr. Umlauf stated he would not be cutting down any trees, only trimming branches to prevent damage to his trucks.

Mr. Jones called for Public Comment. Ms. Myra Parker of Inverness Court asked if the Applicant would install a security gate. Mr. Umlauf stated that the property was already fenced and gated. There was no other public comment on this topic.

**MOTION: There being no further discussion, a motion was made by Mrs. Haun, seconded by Mr. Hood and carried unanimously, to close the Public Hearing at 7:25 p.m.**

**MOTION: A motion was made by Mrs. Haun, seconded by Mrs. Jones and carried unanimously, to approve the accessory L2 Outside Storage Use for 619 N. Limekiln Pike, contingent upon: compliance with the testimony given at this evenings Public Hearing, and the Applicant obtaining the required Special Exception from the Zoning Hearing Board.**

## 6. Approval of Minutes:

### 6.1. Minutes of Meeting of June 15, 2020:

**MOTION: A motion was made by Ms. McCabe, seconded by Mr. Hood and unanimously approved to accept the June 15, 2020 Minutes as written.**

### 6.2. Minutes of Meeting of June 22, 2020:

**MOTION: A motion was made by Mrs. Haun, seconded by Ms. McCabe and unanimously approved to accept the June 22, 2020 Minutes as written.**

## 7. Departmental Reports:

**7.1. Code Department Report for June 2020:** Ms. Bradley presented the Code Department Report for June 2020.

**7.2. Police Department Report for June 2020:** Ms. Bradley presented the Police Department Report for June 2020.

Ms. McCabe asked if the number of serious accidents she had seen at County Line Road and W. Butler Avenue was normal or if it was something the Township should be monitoring. Ms. Bradley stated that it was her unofficial opinion that the accidents were due to normal activities and that she would check with the Chief.

**7.3. Public Works Department Report for June 2020:** Ms. Bradley presented the Public Works Department Report for June 2020.

## 8. Consideration of New Business:

**8.1. Authorization for Advertisement of No Parking Ordinance Amendment for Dolly Lane:** Ms. Bradley noted that at a prior meeting, residents of Dolly Lane expressed concerns regarding line-of-sight issues at the curved intersection of Dolly Lane approaching Brittany Drive. The proposed ordinance amendment would make the first 300 feet of Dolly Lane from Brittany Drive through the curve as a “No Parking” area on both sides of Dolly Lane.

Mrs. Haun stated that she felt that the length was a bit excessive for restricting both sides of the street. Perhaps the side of the street with evergreens should be designated “No Parking” and the other side of Dolly Lane should remain available. The rest of the Board concurred with Mrs. Haun’s assessment.

Mr. Bruce Quedenfeld of Brittany Drive asked for clarification on the location of the “No Parking” area. Ms. Bradley stated “No Parking” was only being considered along Dolly Lane.

Mrs. Haun suggested that Staff reach out to the residents of Dolly Lane, specifically the residents that would be affected by the “No Parking” area, to determine their input.

**MOTION: Upon motion by Mrs. Haun, seconded by Mr. Hood, and carried unanimously, the Board tabled the proposed ordinance.**

**8.2. Authorization for Advertisement of Speed Limit Ordinance Amendment:** Ms. Bradley stated that due to a sign knockdown, an inventory of all roads and speed limit signage was taken. The proposed ordinance before the Board would memorialize existing and roadways, making the ordinance match existing conditions. Ms. Bradley noted that there was also a change to the parking penalty section to correct a typographical error.

Ms. McCabe stated she was fine with the modifications to the ordinance with exception to the five (5) day period to pay the fine. If residents were required to use the postal service to make payments, she would rather see the period to pay the fine extended to ten (10) days. The Board agreed with Ms. McCabe.

**MOTION: Upon motion by Mr. Hood, seconded by Ms. McCabe, and carried unanimously, the Board approved advertisement of a Speed Limit Ordinance Amendment, with the alterations to §15-410 Penalties 1. & 2., changing five (5) days to ten (10) days in both sections.**

**8.3. Authorization for Advertisement of Omnibus Zoning Ordinance Amendment:** Ms. Bradley stated that the proposed amendment before the Board covered a number of Zoning Ordinance housekeeping items and a few substantive items that included: Small Wireless Facilities (SWF), Short Term Rentals, changes to the Watershed (WS) District’s impervious surface calculations, a complete overhaul of the Township’s Sign Ordinance and a new Use J35 Planned Integrated Development (PID) in the C-1 district. She stated that the Board had a memo in front of them from the Planning Commission outlining their recommendations to the Board of Supervisors.

Mr. Nelson stated that the SWF, Short Term Rentals, and the Signs sections were written to comply with newly-enacted laws and recent court decisions, updated fees and regulations pertaining to these subjects. Many typographical errors were also addressed, as well as clarifications of language.

Mr. Hood stated that the Planning Commission discussed roof signs, which the proposed ordinance prohibited. The Planning Commission pointed out several locations that they already existed and recommended that roof

signs be permitted. Mr. Nelson stated that he could rework the language to meet the intent of the Planning Commission's recommendation.

Ms. Bradley stated that changes to the language for calculating impervious surface in the WS Watershed District would loosen restrictions on homeowners to allow property owners to improve their properties with sheds, pools, etc., while still retaining restrictions for developers. Mr. Nelson stated that the main issue was that developers were permitted to develop the land before easements were put in place. Homeowners would then buy the property with the easements in place, and would have to subtract those easements from their total lot area when determining impervious surface. A seven (7) acre lot could be turned into a two (2) acre lot due to all the easements on the property. The change would allow residents to keep easements that are not 100% protected as part of their total lot size, thus increasing the allowable impervious surface for standard improvements.

Ms. McCabe asked about the reason for changing the definition of household pets. Mr. Nelson stated that the definition was outdated, only referencing dogs and cats. Many types of animals are being kept as household pets. Ms. McCabe asked if the Township's leashing ordinance for pets should also be modified to match. Mr. Nelson stated he would look into that change.

Ms. Bradley stated that the proposed J35 Planned Integrated Development (PID) Use provided the opportunity to revitalize the Township's commercial district by providing developers the opportunity to integrate residential and commercial uses. The J35 PID allowed for apartments, townhomes, and all the existing allowable commercial uses in the C-1 Zoning District. The J35 PID would be required to comply with the Butler Avenue Overlay District and its more restrictive standards in addition to those laid out in this section.

Mr. Hood provided an update to the Board as to the discussion of the J35 PID that took place at Planning Commission. The Planning Commission discussed this item at length, specifically, the inclusion of townhomes. The Planning Commission felt townhomes did not lend themselves to the integrated concept that the Township would like to see in the C-1 District to retain the commercial component. The Board discussed the possibility that the C-1 District might benefit from integration between residential and commercial, but did not feel that townhomes provided that integration.

Ms. McCabe stated perhaps this section of the ordinance needs to be altered at the staff level before the Board authorizes the ordinance for advertisement to the public. The Board agreed that the ordinance still needed work at the staff level.

**MOTION: Upon motion by Ms. McCabe, seconded by Mrs. Jones, and carried unanimously, the Board tabled advertisement of Omnibus Zoning Ordinance Amendment.**

**8.4. Fireworks Amendment Discussion:** Ms. Bradley stated that since the State has allowed consumer fireworks sales in Pennsylvania and did not restrict their use in any manner, the Township continued to receive multiple complaints. Would the Board have interest in adopting an ordinance to restrict the use of fireworks to specific times, days or locations? The Fire Marshal recommended restrictions of the use based on lot size and proximity to other structures. Ms. Bradley would need to discuss enforcement with the Police Chief.

Mr. Hood stated that he would be interested in adopting such an ordinance as long as it was enforceable by the Police Department. The rest of the Board agreed. Ms. McCabe suggested the Township write a letter to the State legislators, asking for the State to enact a more restrictive law rather than having multiple municipalities with varying ordinance requirements.

## 9. Consideration of Old Business:

**9.1. Resolution #2020-15, Ratification of Halteman Conservation Easement:** Ms. Bradley stated Resolution #2020-15 would ratify the Conservation Easement of a portion of land at 92 King Road, TMP #26-004-004-002, executed by owner Dorothy Halteman and the Township, to purchase the easement at a cost of \$10,500.00 per acre for 18.8-acres. The purchase had been approved at the June 22, 2020 Virtual Meeting.

**MOTION: Upon motion by Mrs. Haun, seconded by Ms. McCabe, and unanimously carried, the Board approved Resolution #2020-15, Ratification of Halteman Conservation Easement.**

**9.2. Bank Refinancing Signatory Authorization:** Ms. Bradley stated that the Board would need to authorize Chair, William B. Jones, III and Township Manager, Eileen M. Bradley to sign on behalf of the Board of Supervisors all refinancing documents for the JP Morgan Chase Loan to be settled that Friday.

**MOTION: Upon motion by Mr. Hood, seconded by Mrs. Jones, and unanimously carried, the Board authorized Chair, William B. Jones, III and Township Manager, Eileen M. Bradley to sign all documents in conjunction with refinancing the Township's Debt.**

## 10. Consent Agenda:

**MOTION: Upon motion by Ms. McCabe, seconded by Mrs. Haun, the Board unanimously approved the following Consent Agenda items: Escrow Release #9 for Prestige Property Partners LLC and Meridian Bank for the Vineyard at Peace Valley project for \$98,561.33, leaving \$140,160.00 remaining to be used toward the 18-month maintenance amount; Execution of a Stormwater Facilities Operation and Maintenance Agreement with Gi and Saul Park for construction of a single-family home on Upper State Road, with corresponding Maintenance Guarantee Fee of \$1,266.00; Certificate of Completion #1 for Provco Pinegood Chalfont, LLC for W. Butler Avenue WAWA Project in the amount of \$55,931.40, leaving \$770,480.92 remaining; Execution of a Professional Services Agreement with Jonathan Thomas/Audax Homes, LLC for subdivision and land development of 315 Old Limekiln Road, TMP #26-004-005, with corresponding legal and engineering escrow of \$2,500.00.**

**11. Board of Supervisors' Comments:** Mrs. Jones stated that everyone should be wearing a mask and asked why Mrs. Haun was not wearing a face mask. Mrs. Haun stated she had a medical exemption.

## 12. Township Administration Comments:

**12.1. Consortium Fuel Bid:** Ms. Bradley announced that New Britain Township had participated in the Bucks County Consortium 2020-2021 Fuel Bid. Based on recommendation by Public Works Superintendent Ryan Cressman, Ms. Bradley recommended the Township award contracts to Riggins, Inc. for Unleaded Regular and Ultra-Low Sulfur Diesel Fuel; PAPCO, Inc. for #2 Heating Oil; and Suburban Propane, Inc. for Off-Road Diesel Fuel.

**MOTION: A motion was made by Mr. Hood, seconded by Mrs. Jones and carried unanimously, to award the 2019 Consortium Fuel Bid to Riggins Inc. for Unleaded Regular at \$0.2050 and Ultra Low Sulfur Diesel Fuel at \$0.2350; PAPCO, Inc. to for #2 Heating Fuel at \$0.2582; and Suburban Propane, Inc. for Off-Road Diesel Fuel at \$0.3000. Fuel prices were based on market fluctuation, with quoted rates for delivery per gallon.**

**12.2. Assal Sewage Facilities Planning Module; Resolution #2020-14:** Ms. Bradley stated that the Board had already approved the Final Subdivision Plan for the Assal Tract/Mill Ridge and that the proposed Resolution would finalize the DEP Sewage Facilities Planning Module.

**MOTION: Upon motion by Mrs. Haun, seconded by Ms. McCabe, and unanimously carried, the Board approved Resolution #2020-14, authorizing the Assal Sewage Facilities Planning Module.**

**12.3. Ferrall, McDonald's Zoning Hearing Board Hearings:** Ms. Bradley stated that on Thursday, August 20, 2020, beginning at 7:00 p.m., the Zoning Hearing Board would consider two applications during a virtual Zoom meeting: Robert and Kathleen Ferrall of 209 Creek Road, TMP #26-011-110, seeking a variance to allow 11.6% impervious surface where 8% is allowed in construction of a swimming pool; and McDonald's USA, LLC at 4272 County Line Road, TMP #26-005-049-005, seeking variances to permit 81.49% impervious coverage (existing non-conforming impervious is 81.2%) in lieu of the maximum 65% (increase is 120 s.f.), and to permit one directional sign at 20 s.f. in lieu of four s.f. per sign. The Board took no action on either application.

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**12.4. VFW Post #3258 Request:** Ms. Bradley was in receipt of a letter from VFW Post #3258 requesting that they be able to hold their monthly meeting on the Third Wednesday from 7:30 p.m. to 9:30 p.m. at New Britain Township, as they had outgrown the Chalfont Borough Hall.

**MOTION: Upon motion by Mrs. Haun, seconded by Mr. Hood, and unanimously carried, the Board granted the request of VFW Post #3258 to hold its monthly meetings at New Britain Township Administration Building.**

**12.5. 2020 Fall Festival:** Ms. Bradley stated that the Veteran's Committee recommended the cancellation of the 2020 Fall Festival scheduled for September 19, 2020, for numerous health and safety reasons.

Mr. Hood stated that he hated to continue cancelling community events and preferred that this was not the case, but could not see a way to hold the event safely. The rest of the Board agreed with Mr. Hood.

Ms. McCabe asked if we could reschedule the Community Shred and Electronic Recycling event that was cancelled in May. Ms. Bradley stated that the event had already been rescheduled for October 3.

Mrs. Jones asked if perhaps we could hold a food donation drive to benefit a local food pantry. Mr. Walsh stated that he would take any ideas back to the Veteran's Committee.

**MOTION: Upon motion by Mrs. Haun, seconded by Mrs. Jones, and unanimously carried, the Board reluctantly approved cancellation of the 2020 Fall Festival.**

**12.6. August 3 Meeting Status:** Ms. Bradley asked that the Board consider cancellation of the Board of Supervisors' Meeting of August 3, as per longstanding policy of one meeting per summer month.

**MOTION: A motion was made by Ms. McCabe, seconded by Mr. Hood, and carried unanimously, to cancel the Board of Supervisors Meeting scheduled for August 3.**

**13. Solicitor and Engineer Comments:** There were no Solicitor Comments. Mr. Kennard suggested that in the proposed J35 Use, the Board consider requiring commercial and residential uses be combined in at least one building to avoid having the same issue with apartments as they had with the concept of townhomes.

**14. Other Business:** There was no Other Business at this time.

**15. Public Comment:** Mr. Quedenfeld asked what happened with the Zoning Hearing Board application for the Talking Tea Cup. Ms. Bradley stated that the Applicant withdrew their application.

Mr. Quedenfeld asked if the Township had any ordinances about the placement of trash cans in public streets. Ms. Bradley stated that trash cans were prohibited within the right-of-way of any street.

Mr. Quedenfeld asked if the Township was responsible for obstructions blocking street signs or traffic signals. Ms. Bradley stated that if Mr. Quedenfeld knew of any such obstructions that she would have Public Works take a look at it.

Ms. Briggs asked if the Township Newsletter could include an update on the Bristol Road Extension (BRE). Ms. Bradley stated that the current Newsletter had not been issued yet. She would speak with staff about possibly adding an update on the BRE.

Ms. Briggs stated that Township could hold a drive-up Trick or Treat event for residents if COVID restrictions were still in place by Halloween.

**16. Payment of Bills:**

**16.1. Bills List dated June 24, 2020 for \$505.36:**

**MOTION:** Upon motion by Mr. Hood, seconded by Mrs. Haun, the Board unanimously approved the Bills List dated June 24, 2020 for \$505.36.

**16.2. Bills List dated June 25, 2020 for \$114,999.26:**

**MOTION:** Upon motion by Mrs. Jones seconded by Mrs. Haun, the Board unanimously approved the Bills List dated June 25, 2020 for \$114,999.26.

**16.3. Bills List dated July 1, 2020 for \$624,288.64:**

**MOTION:** Upon motion by Mr. Hood seconded by Ms. McCabe, the Board unanimously approved the Bills List dated July 1, 2020 for \$624,288.64.

**16.4. Bills List dated July 8, 2020 for \$2,308.87:**

**MOTION:** Upon motion by Ms. McCabe seconded by Mrs. Jones, the Board unanimously approved the Bills List dated July 8, 2020 for \$2,308.87.

**16.5. Bills List dated July 9, 2020 for \$85,878.16:**

**MOTION:** Upon motion by Mrs. Jones seconded by Mrs. Haun, the Board unanimously approved the Bills List dated July 9, 2020 for \$85,878.16.

16.6. Bills List dated July 14, 2020 for \$388,779.55:


**MOTION:** Upon motion by Mrs. Jones seconded by Mrs. Haun, the Board unanimously approved the Bills List dated July 14, 2020 for \$388,779.55.

17. 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 8:55 p.m.

**NEW BRITAIN TOWNSHIP BOARD OF SUPERVISORS**

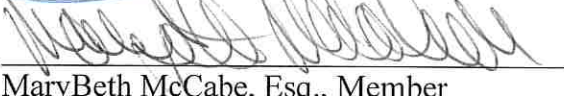
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William B. Jones, III, Chair

  
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Helen B. Haun, Vice Chair

  
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Gregory T. Hood, III, Member

  
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Cynthia Jones, Member

  
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MaryBeth McCabe, Esq., Member

Attest:   
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Eileen M. Bradley  
Secretary/Manager