

**BOARD OF SUPERVISORS
MEETING MINUTES
June 1, 2020**

A Regular Meeting of the New Britain Township Board of Supervisors was held on Monday, June 1, 2020, at the Township Administration Building, 207 Park Avenue, New Britain Township, PA, beginning at 7:00 p.m. The meeting was held virtually via Zoom. 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, the Township Solicitor Peter Nelson, Esq., and Township Engineer Craig Kennard. Michael Walsh managed the Zoom call and resident comments.

- 1. Call to Order:** Mr. Jones called the Meeting to order. He read a statement outlining the procedure for the virtual meeting. Mr. Jones also asked for a moment of silence for former Supervisor Robert Cotton and for George Floyd.
- 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.
- 4. Public Comment on Non-Agenda Items:** Ms. Kelly Kaufman and Ms. Beverly Frantz of Dolly Lane stated that they were concerned about wildlife, high grass, trash and the general safety of families and neighbors given the condition of the property at 113 Dolly Lane. They asked the Board what steps were occurring to address these concerns.

Mr. Nelson stated that his office was in the process of preparing a complaint to file with the Court. The complaint contained a petition for preliminary injunction and asked for an expedited hearing to address the issues with the property. Ms. Bradley asked if Mr. Nelson could elaborate on the timeline of this process.

Mr. Nelson stated that once the complaint was filed in Court, it would then be passed to a process server to serve on the property owner. He stated that the owner of the property is currently in a nursing home; due to COVID-19, it was difficult to give a definitive timeframe for service. A timeframe for getting a scheduled hearing date would also be difficult. Under optimal circumstances, the process typically takes about a month. Ms. Bradley suggested the Board continue with the agenda and address any additional comments during the second round of Public Comment.

5. Approval of Minutes:

5.1. Minutes of Meeting of May 18, 2020:

MOTION: A motion was made by Mr. Hood, and seconded by Cynthia Jones to approve the May 18, 2020 Minutes as written.

Ms. McCabe stated that she had corrections to the Minutes from May 18, 2020, specifically item 11.5. She stated that the motion language was not written as she understood the discussion. She thought the plan was to go back to Gorski for more discussions about reducing the price, then return to the Board for additional action. She was opposed to spending money to create a “shovel-ready” project to put on the shelf when other projects had been in line longer.

Mr. Jones stated that his understanding was to agree to the Gorski proposal for an amount not to exceed \$38,000 while simultaneously renegotiating a reduction in the proposal cost and the scope of the project as a whole. Ms. Bradley stated that based on her notes and recollection, she agreed with Mr. Jones. There were also discussions about obtaining a price and schedule from Gilmore for construction design for Cotton Park.

Mr. Nelson stated that this was not an ordinance and the Board could amend the motion.

Ms. McCabe and Mrs. Jones stated they would like to see a committee formed to discuss the needs of the building and to determine what work could be done in house.

Ms. Bradley and Mr. Nelson suggested tabling the approval of the Minutes to allow for further discussion on the Pole Barn Building and the May 18 Minutes.

Mr. Hood withdrew is initial motion.

MOTION: A motion was made by Mr. Hood, seconded by Ms. McCabe, and unanimously approved, to table approval of the May 18, 2020 Minutes until the next meeting.

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

Mrs. Haun then joined the meeting after having technical difficulties.

7. Consideration of Old Business:

7.1. Refinancing of Township Debt: Ms. Bradley introduced Jamie Schlesinger of PFM Financial Advisors, who worked with the Township in 2018 to acquire a \$3.0 million bank loan, to discuss refinancing of the Township's current debt. Mr. Schlesinger stated that he was seeking guidance from the Board as to whether the Board would like to use the savings to pay down the existing debt or take the savings as cash for current capital projects.

Ms. McCabe asked if the funds could be used for ongoing capital projects. Ms. Bradley stated that the funds could be used if it is a capital project.

Mrs. Jones asked if the funds could be used for the Coleman portion of the Neshaminy Greenway Trail or the possible overages on the current trail project. She asked if there were any time limits on expending the funds. Ms. Bradley stated that the funds could be used on current or future Neshaminy Greenway Trail projects. Mr. Schlesinger added that the funds would have a reasonable expectation of being expended within three years. Ms. Bradley stated that the Board could take the cash now, which would not preclude paying down the debt later if the funds were not needed. Mr. Schlesinger stated he would review the proposals for any penalty language for early repayment.

MOTION: A motion was made by Mr. Hood, seconded by Mrs. Jones, and unanimously approved, to take the savings in cash for capital projects when refinancing the Township's debt.

7.2. Appoint Elizabeth Preate Havey as Bond Counsel: Ms. Bradley stated that with the debt refinancing, Mr. Schlesinger recommended the Township engage bond counsel to coordinate application to the PA Department of Community and Economic Development (DCED). Mr. Schlesinger had provided four recommendations that were reviewed by Mr. Nelson, who recommended Elizabeth Preate Havey of Dilworth Paxson as Bond Counsel, as she had worked with his firm on multiple occasions and came highly regarded.

Ms. McCabe stated that she was concerned with the selection process of bond counsel and would like to contact the other names provided to discuss pricing to obtain the best possible price for services. Mrs. Jones stated she agreed with Ms. McCabe and would like to delay appointment if the counsel did not need to be appointed prior to June 15. Ms. Havey stated that bond counsel would need to be appointed as soon as possible to meet set deadlines for refinancing. Mr. Schlesinger had already negotiated reduced fees prior to tonight's meeting, and she felt her rate of \$15,000 was significantly lower than average rates of upwards of \$40,000.

Mr. Hood stated that based on his experience with Mr. Schlesinger and Mr. Nelson, he was inclined to trust their recommendation. He was concerned that by trying to save a few dollars, the Board was risking losing tens of thousands of dollars in savings by delaying and missing out on lower interest rates. Ms. Bradley noted that Mr. Schlesinger had proposals on his desk for other clients with interest rates as low as 1.1%.

Mrs. Haun stated that she was fine with moving forward with Ms. Havey as Bond Counsel. She understood Ms. McCabe's position and suggested that in the future, the Board be provided more time and information to vet multiple candidates.

MOTION: A motion was made by Mr. Hood, seconded by Mrs. Haun, and approved 3 to 2, with Ms. McCabe and Mrs. Jones opposed, to appoint Elizabeth Preate Havey as Bond Counsel.

8. Consideration of New Business:

8.1. Resolution #2020-13, Use of Outdoor Areas (COVID Accommodations): Ms. Bradley stated that the proposed resolution provided the opportunity for businesses to utilize outdoor spaces as Bucks County looked to move into the yellow phase of COVID response. The resolution followed the CDC and BCHD safety guidelines, while relaxing some zoning requirements, provided safety precautions and would expire within 90 days unless renewed. The resolution also required application for a permit at no charge.

MOTION: A motion was made by Ms. McCabe, seconded by Mr. Hood, and unanimously approved, to adopt Resolution #2020-13, Use of Outdoor Areas (COVID Accommodations).

8.2. Vineyard Lot Line Change: Ms. Bradley stated that the plan and documents to shift lot lines between Lots #1 and #4 of the Vineyard at Peace Valley Subdivision had been reviewed by Staff and it was Staff's recommendation to approve the lot line change.

MOTION: A motion was made by Mrs. Haun, seconded by Mrs. Jones and unanimously approved, to approve the Vineyard Lot Line Change for Lots #1 and #4.

9. Consent Agenda:

MOTION: Upon motion by Mrs. Jones, seconded by Mr. Hood, the Board unanimously approved the following Consent Agenda items: 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 Jeff Harris and Gene Hamilton for a subdivision/lot line change at 16 and 28 Ferry Road, TMP #26-011-098, #26-011-099, and #26-011-100, with corresponding legal and engineering escrow of \$2,500.00.

10. Board of Supervisors' Comments: Mr. Jones stated that he would again like to pay his respects to Robert V. Cotton for his service to New Britain Township as a Supervisor and Township Fire Marshal and longtime member of the Chalfont Volunteer Fire Company.

11. Township Administration Comments:

11.1. HVAC Contract Award: Ms. Bradley stated that bids for two prime contracts for replacement of the HVAC systems at the Park Avenue Municipal Building had been opened May 22, with eight mechanical bidders and five electrical bidders. The low bid for the mechanical prime was Hirschberg Mechanical at \$59,990.00; and the low bid for the electrical prime was S&S Electrical Services, Inc at \$11,915.00. Staff's recommendation was to award the bids to these lowest qualified bidders. Roofing contractor RRR Construction would inspect the newly installed roof before and after HVAC installation to guarantee our warranty.

MOTION: A motion was made by Mr. Hood, seconded by Mrs. Jones, and unanimously approved, to award Hirschberg Mechanical the mechanical prime contract for \$59,990.00, and to award S&S Electrical Services, Inc. the electrical prime contract for \$11,915.00.

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

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

14. Public Comment: Ms. Julie Golden of Devon Road, Beverly Frantz and Kelly Kaufman stated that they were concerned about the safety issues the condemned house at 113 Dolly Lane presented for the neighbors, specifically the numerous wild animals on the property. They asked if anything could be done in the meantime to address their concerns.

Mr. Nelson stated that without a Court order the Township would be trespassing on private property and could not expend funds to improve a private property without the guarantee or means of refund of taxpayer dollars. The Bucks County Department of Health (BCHD) might be able to assist in trapping the wild animals.

Mrs. Jones stated she thought calling BCHD was being done after the last meeting. Maryanne McBrearty of Dolly Lane stated that she did contact BCHD after the last meeting. Ms. Bradley stated that BCHD had been in contact with the Township and was scheduled to make a site visit to the property. Ms. McCabe asked if the Township's Zoning Officer could reach out to residents attending the meeting to provide an update from BCHD.

Ms. McBrearty asked if the Township could do anything about the vermin while BCHD did their research. Ms. Bradley reiterated that the Township could not go onto private property without a Court order, which the Township was currently in the process of obtaining.

Chris Kokiko of Dolly Lane asked at what point did a severe health hazard rise to a level in which the emergent need overrides the normal process of dealing with the conditions at 113 Dolly Lane. Mr. Nelson stated that currently the property did not rise to that level for the Township to be permitted to trespass without going through the proper channels.

15. Payment of Bills:

15.1. Bills List dated May 19, 2020 for \$500.00:

MOTION: Upon motion by Mrs. Haun, seconded by Ms. McCabe, the Board unanimously approved the Bills List dated May 19, 2020 for \$500.00.

15.2. Bills List dated May 19, 2020 for \$344,857.05:

MOTION: Upon motion by Mrs. Jones seconded by Ms. McCabe, the Board unanimously approved the Bills List dated May 19, 2020 for \$344,857.05.

15.3. Bills List dated May 21, 2020 for \$71,100.13:

MOTION: Upon motion by Mrs. Haun seconded by Ms. McCabe, the Board unanimously approved the Bills List dated May 21, 2020 for \$71,100.13.

15.4. Bills List dated May 26, 2020 for \$2,500.00:

MOTION: Upon motion by Mr. Hood seconded by Mrs. Jones, the Board unanimously approved the Bills List dated May 26, 2020 for \$2,500.00.

15.5. Bills List dated May 28, 2020 for \$13,987.00:

MOTION: Upon motion by Ms. McCabe seconded by Mr. Hood, the Board unanimously approved the Bills List dated February May 19, 2020 for \$344,857.05.

15.6. Road-Con Payment #4 for \$127,512.08:

MOTION: Upon motion by Mr. Hood seconded by Ms. McCabe, the Board unanimously approved Road-Con Payment #4 for \$127,512.08.

16. Adjournment:

MOTION: There being no further business or comment, a motion was made by Mrs. Haun, seconded by Ms. McCabe, and unanimously carried, to adjourn the meeting at 8:20 p.m.

NEW BRITAIN TOWNSHIP BOARD OF SUPERVISORS

William B. Jones, III, Chair

Helen B. Haun, Vice Chair

Gregory T. Hood, III, Member

Cynthia Jones, Member

MaryBeth McCabe, Esq., Member

Attest: _____
Eileen M. Bradley
Secretary/Manager