

**BOARD OF SUPERVISORS
MEETING MINUTES
February 27, 2020**

A Regular Meeting of the New Britain Township Board of Supervisors was held on Monday, February 27, 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, William Oetinger, Esq. from the Township Solicitor's Office, 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 land acquisition and litigation.
4. **Public Comment on Non-Agenda Items:** Mr. Frank Mazzeo and Mr. Peter Mazzeo stated that they were present to speak on behalf of their parents who own 175 and 143 Curley Mill Road. Mr. Pete Mazzeo stated that Hallmark Homes had been negotiating with the Mazzeos for the last year to obtain easements to aid in the stormwater management of the Assal Tract. He provided a history of the negotiations for the Board, starting in January of 2019. They had come to verbal agreement with Hallmark Homes for the easements, but had not received any documents from Hallmark at the time the Board granted conditional Preliminary/Final approval for the Assal Tract at the February 3, 2020 Board of Supervisors' meeting. Neither he nor his brother attended that meeting. Mr. Mazzeo stated that a component of the negotiations was to hook his parent's property to public sewer, and he had spoken with other neighbors that were interested in connecting as well.

Mr. Kennard stated that he had spoken at length with Mr. Mazzeo on the phone to address concerns with both stormwater and sewer connections. He added that Hallmark Homes had recently supplied an easement agreement that included all the agreed-upon terms from the phone call with Hallmark Homes in November. Mr. Mazzeo stated that they had received the paperwork from Hallmark Homes.

Mr. Kennard stated that on the same phone call, he explained that hooking up to the public sewer was under the purview of the Chalfont-New Britain Township Joint Sewer Authority (CNBTJSA). Any discussions involving sewer connection for 175 and 143 Curley Mill as part of Hallmark Homes Development of the Assal Tract was between the Mazzeos and Hallmark Homes, under CNBTJSA authority. Mr. Kennard stated that the Township could not be involved in those discussions or negotiations and had no standing to force either party to act.

Mr. Hood asked what type of action the Mazzeos were seeking from the Board of Supervisors. Mr. Mazzeo stated that he felt the Township had granted too many waivers and should have communicated better.

Mr. Jones stated that the Mazzeos had been aware of the project since the beginning of 2019 and the agenda and packets for each meeting were available on the Township's website the Friday before every advertised Board of Supervisors' meeting.

Mr. Kennard stated that his job as the Township Engineer was to look out for residents. By having Hallmark address more stormwater than required by ordinance, the Township was protecting downstream residents. One of the waivers granted was intended for stormwater management in the event the Mazzeos did not grant an easement, to allow the project to move forward and still manage stormwater.

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Mr. Hood stated that several waivers granted were for minor issues. Mrs. Haun added that a few the waivers granted were meant to aid in improving the stormwater issues in the area. She stated the waivers from tree locations, sidewalk installation, and streetlight installation are intended to improve aesthetics, improve stormwater, and reduce impervious and light pollution.

Ms. McCabe stated that residents needed to understand that asking technical questions or conversations that lead to technical questions will have a delayed response from staff. Questions of this nature require the involvement of the Township's professionals to provide an accurate and correct response.

Mr. James Frantz of Dolly Lane thanked the Board and staff for their handling of several issues on Dolly Lane, including a line-of-sight problem at Brittany Drive and Dolly Lane, due to a resident's arborvitae not being trimmed properly. He asked if the Board would investigate a "no parking" sign by the intersection, in addition to having the resident's trees trimmed.

5. Approval of Minutes:

5.1. Minutes of Meeting of February 3, 2020:

MOTION: A motion was made by Mrs. Haun, seconded by Mrs. Jones and unanimously approved to accept the February 3, 2020 Minutes as written.

6. Departmental Reports:

6.1. Code Department Report for January 2020: Ms. Bradley presented the Code Department Report for January 2020.

6.2. Police Department Report for January 2020: Chief Scafidi presented the Police Department Report for January 2020.

Chief Scafidi stated that Corporal Mark Duncan had recently graduated as part of the 2020 Class of the School of Police Staff and Command at Northwestern University's Center for Public Safety, and would be completing three additional courses from the FBI Leadership Training Program.

Mr. Hood asked what Cpl. Duncan learned by attending the courses. Cpl. Duncan stated that he had obtained valuable strategies, resources and networking connections to aid in police department management and command.

Chief Scafidi added that he and Corporal Karpovich also completed another level of NIMS Training.

6.3. Public Works Department Report for January 2020: Ms. Bradley presented the Public Works Department Report for January 2020.

7. Consideration of Old Business:

7.1. DOLI Payment #3: Ms. Bradley stated that the Walter Road Culvert was nearly completed, except for guiderail work installation and grading that had been delayed by weather. DOLI planned to have a crew on site in the next week or two. The Township still had to resolve negotiations for Change Order #2, which was not included in this payment request. Staff did recommend the current payment to DOLI Construction.

Mr. Jones asked if approving this payment would reduce any leverage the Township might hold regarding Change Order #2. Ms. Bradley said that approving payment would not affect the Township's leverage.

MOTION: Upon motion by Mrs. Jones, seconded by Mrs. Haun, the Board unanimously approved DOLI Payment #3 for \$176,855.00.

8. Consideration of New Business:

8.1. 619 Limekiln Proposal: Appearing on behalf of BP Paving was Mr. John VanLuvanee, Esq. of Eastburn and Gray, P.C. and Brian Beverage, owner of BP Paving, to discuss the property at 619 Limekiln Pike. Mr. VanLuvanee stated that Mr. Beverage was interested in purchasing the property but wanted to ensure the Township was amenable to his proposed use before agreeing to purchase the property.

Mr. VanLuvanee provided the Board with photos and a background of the property which included a house and a large pole barn. The property had approvals to operate as a truck terminal for up to 15 trucks and five full-time employees, and the house as a rental unit. There was also a third undocumented use of the that was undertaken without permits from the Township. The large pole barn was divided in half to house this second business. He stated that Staff believed the proposed new owner would require an L2 Outside Storage use, requiring Conditional Use approval.

Mr. VanLuvanee stated that Mr. Beverage's paving business would operate similarly to the Truck Terminal use and he wished to rent the other half of the pole barn to an electrician to use for as a warehouse for materials. Mr. Beverage would also like to continue renting the home, as the current tenant wished to stay.

Ms. Bradley stated that the use of the property would not be more intense than the present use of the property. The issue was the three primary uses being requested of the property. She had no objection to the uses, if appropriate conditions could be agreed upon. The concern was that a future owner or tenant may wish to engage in more intensive use of the property. Mr. VanLuvanee stated that his client would be amenable to placing restrictions on the uses of the property and obtain a Conditional Use for outside.

Mrs. Jones asked if there were any other residential neighbors not visible in the exhibits provided. Mr. Beverage stated that the current owners of 619 Limekiln also owned the adjacent residential property.

Mr. Hood stated he was amenable with appropriate conditions applied to the property. The rest of the Board agreed.

Mr. VanLuvanee stated he would work with staff and come back to the Board with the acceptable conditions, before proceeding with an application to the Zoning Hearing Board as well as Conditional Use.

9. Consent Agenda:

MOTION: Upon motion by Mrs. Haun, seconded by Mr. Hood, the Board unanimously approved the following Consent Agenda items: Escrow Release #5 for Metro Storage for \$880,050.40, leaving \$104,729.38 remaining. The remaining \$104,729.38 shall serve as the 18-Month Maintenance Security, ending August 31, 2021; Payment Application #5 for Armour and Sons Electric, Inc. for the New Britain Boulevard Traffic Signal System construction for \$96,194.43, leaving \$27,615.06 remaining in retainage and incomplete work.

10. Board of Supervisors' Comments: Mrs. Jones stated that had she attended a Meadow Management Workshop last week and received great information that could be helpful to the Township.

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Ms. McCabe stated that Governor Wolf had presented a budget in Harrisburg that included a requirement for all local governments to contribute funds for State Police services, whether or not they have 24-hour police service.

11. Township Administration Comments:

11.1. Road-Con Lease Agreement: Ms. Bradley stated that Staff and Road-Con had come to terms to utilize the Township's property at 1606 Upper State Road as a staging area and a temporary office during the construction of the Neshaminy Greenway Trail in exchange for installation of a new parking lot area, driveway widening and some minor tree removal..

MOTION: A motion was made by Mr. Hood, seconded by Mrs. Haun and unanimously approved, to execute the Road-Con Lease Agreement for 1606 Upper State Road.

11.2. Road Program – Curbs and Sidewalks: Ms. Bradley stated that the Board would need to approve the 2020 Curb and Sidewalk Replacement program as part of the 2021 Road Program. Letters would be sent to residents informing them of the need to replace their sidewalks and curbs. Residents would have the option of finding a contractor or being part of the Township's Road Program bid. Residents that chose to be part of the program or did not complete the work before Spring 2021 would be put on a payment plan until the Township recouped the cost of the work done to their properties.

MOTION: Upon motion by Ms. McCabe, seconded by Mrs. Jones, the Board unanimously approved the 2020 Curb and Sidewalk Program.

11.3. Heck Zoning Hearing: Ms. Bradley stated that on Thursday, March 19, 2020, at 7:00 p.m., the ZHB would consider the application of Eric and Kathy Heck for the property at 301 W. Butler Avenue, TMP #26-013-005 in the C-1 Commercial Zoning District. The applicants were appealing the decision of the Zoning Officer in denying a B-1 residential use in a commercial property, a use not allowed by the Zoning Ordinance. In the alternate, they were seeking a Special Exception and/or variance to allow a non-conforming B-1 residential use.

Ms. Bradley stated the property in question was zoned C-1. The Township had limited C-1 and allowing a non-conforming B-1 use on a commercially-zoned property could create problems for the Township in the future. She questioned what action the Board wished to take; that the Board take no action, or send the Township Solicitor to oppose the application.

MOTION: Upon motion by Ms. McCabe, seconded by Mrs. Haun, the Board approved sending the Township Solicitor to oppose the application on a vote of 4 to 1 (Mrs. Jones opposed).

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: There was no Public Comment at this time.

15. Payment of Bills:

15.1. Bills List dated February 14, 2020 for \$293,274.31:

MOTION: Upon motion by Ms. McCabe, seconded by Mr. Hood, the Board unanimously approved the Bills List dated February 14, 2020 for \$293,274.31.

15.2. Bills List dated February 20, 2020 for \$3,088.84:

MOTION: Upon motion by Mrs. Haun seconded by Mrs. Jones, the Board unanimously approved the Bills List dated February 20, 2020 for \$3,088.84.

15.3. Bills List dated February 21, 2020 for \$149,199.40:

MOTION: Upon motion by Mrs. Jones, seconded by Ms. McCabe, the Board unanimously approved the Bills List dated February 21, 2020 for \$149,199.40.

16. Adjournment:

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

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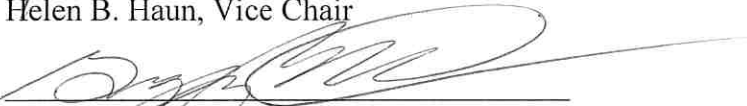
NEW BRITAIN TOWNSHIP BOARD OF SUPERVISORS




William B. Jones, III, Chair



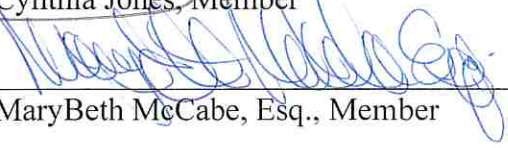
Helen B. Haun, Vice Chair




Gregory T. Hood, III, Member



Cynthia Jones, Member



MaryBeth McCabe, Esq., Member

Attest: 

Eileen M. Bradley
Secretary/Manager