

**BOARD OF SUPERVISORS
MEETING MINUTES
August 17, 2020**

A Regular Meeting of the New Britain Township Board of Supervisors was held on Monday, August 17, 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. Mary Ann McBrearty of Dolly Lane requested follow-up information regarding pest control measures taken at 113 Dolly Lane. Ms. Bradley stated that she would follow up with Staff. Ms. McBrearty asked about the property owner being served with legal notice of suit. Mr. Nelson stated that the Township had made three attempts for the Montgomery County Sheriff to serve the property owner, who was currently in a nursing home/rehab facility. Ms. Bradley confirmed that lawn upkeep and pest control would continue until the end of the season.

Ms. McBrearty also brought up a large tree truck being parked in the public street during daytime hours. Ms. Bradley requested that she provide photographs of the truck and its location to staff for further investigation.

Mrs. Deborah Rendon of Keller Road made a statement regarding the 100th Anniversary of Women's right to vote in the United States.

5. Approval of Minutes:

5.1. Minutes of Meeting of July 20, 2020:

MOTION: A motion was made by Mrs. Haun seconded by Ms. McCabe and unanimously approved to accept the July 20, 2020 Minutes as written.

6. Departmental Reports:

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

6.2. Police Department Report for July 2020: Ms. Bradley presented the Police Department Report for July 2020.

6.3. Public Works Department Report for July 2020: Ms. Bradley presented the Public Works Department Report for July 2020. Mrs. Jones inquired about changing annual flower beds to perennial flowers and pollinator gardens to save the need for mulching. Ms. Bradley stated that the Township would look into that possibility.

7. Consideration of Old Business:

7.1. PUBLIC HEARING: Ordinance #2020-08-02 Amendment Adoption; Speed Limits: Ms. Bradley explained that the proposed ordinance clarified that posted speed limits matched the ordinance language, and corrected a typographical error within the penalties section. Mr. Nelson stated that the ordinance amendment had been duly advertised and was ready for adoption.

MOTION: Upon motion by Ms. McCabe, seconded by Mrs. Jones, and carried unanimously, the Board opened a public hearing to enact Ordinance #2020-08-02.

There was no further discussion.

MOTION: Upon motion by Mr. Hood, seconded by Ms. McCabe, and carried unanimously, the Board approved enactment of Ordinance #2020-08-02, Speed Limit Amendment Adoption, and closed the Public Hearing.

7.2. Distinctive Landscaping Adjudication: Ms. Bradley stated that the Board had verbally approved this Conditional Use regarding 619 N. Limekiln Pike at a Public Hearing at their July 20 Meeting, and requested Board approval of the formalized Adjudication Decision made at that hearing.

MOTION: Upon motion by Mrs. Haun, seconded by Ms. McCabe, and carried unanimously, the Board approved the Adjudication for the Conditional Use approval granted to Distinctive Landscaping, Inc. for 619 limekiln Pike.

7.3. Omnibus V Zoning Amendment Discussion: Ms. Bradley presented a Zoning Ordinance amendment, Omnibus V, for review and comment of the Board. The Board had previously reviewed the amendment, which addressed a number of issues, including an overhaul of the sign ordinance, changes to calculating impervious surfaces, and the addition of new uses such as Short-Term Rentals and the J-35 Planned Integrated Development (PID) use. Ms. Bradley requested that the Board authorize advertisement for adoption of the Omnibus V Zoning Amendment.

Ms. McCabe asked for clarification on the removal of a minimal lot size from the B2 Cluster subdivision. Mr. Nelson explained that the minimum lot area was included in another section of the existing Zoning Ordinance which conflicted with what was written in other areas. Mrs. Haun pointed out a minor typographical error on page 9.

Mrs. Jones asked if the J-35 PID use could be written to allow a commercial building as “stand alone”, but any building with a residential use must also contain commercial uses, and the Board agreed to that change. Discussion the revolved around the minimum lot size of 5 acres. Mr. Jones stated he believed the 5-acre minimum lot size should stay so that the Skyline shopping center could potentially be redeveloped under J-35.

Mr. Jones asked if there had been any updates to the status of the Chalfont Motor Lodge. Ms. Bradley stated that there were no updates of which she was aware.

Ms. McCabe drew attention to page 29 and Natural Resource Protection reductions. She believed that allowing up to 50% reduction in natural resource protection for the J-35 use was excessive and invited developers to request the maximum amount. She preferred a 30% reduction. Mr. Jones stated that any reduction was at the sole discretion of the Board of Supervisors. Mr. Hood asked Mr. Kennard what the protection standard ratios were in other parts of the zoning. Mr. Kennard responded that the protection standards varied. Most protection

standards were covered in the Subdivision and Land Development Ordinance (SALDO) and often had an option to pay a fee in-lieu, or place plantings elsewhere in the Township. Mr. Kennard stated that any relief of natural resource protection standards was at the Board's discretion. Mr. Jones added that the 50% reduction would only apply to the J-35 use and not for the entire C1 Zoning District. Mr. Hood concurred that they would need to meet the other minimum requirements for the J-35.

Mr. Nelson explained that the reason it was included in the J-35 as a conditional use was to keep the planning decisions with the Board of Supervisors. The Zoning Hearing Board (ZHB) should not be responsible for making planning decisions. If a developer was forced to receive variances from the ZHB, the Board would be constrained by whatever variances the ZHB granted, regardless of what the Board wanted as part of a development project. Mr. Jones added that if the Board should allow 50% disturbance, the developer would be required to plant trees or pay extra fees to do so. Mr. Hood pointed out that Veterans Park and the future Cotton Park would need new trees planted. Relief under this item could be an option to allow for woodlands disturbance and save taxpayer dollars.

Mrs. Jones referenced page 18, regarding pets on a leash and questioned how we could enforce. Mr. Nelson explained that many types of pets were walked on leashes besides dogs, including potbelly pigs, cats, and ferrets. The intent, however, was to keep any pets from running at-large in the Township. Ms. McCabe suggested that the word "chain" from #3 should be changed to "tethered". Ms. McCabe also inquired as to what exactly was considered fowl. Mr. Nelson stated that fowl referenced chickens, turkeys, ducks, and other types of birds typically not kept within the household, but which could still be kept as pets.

MOTION: Upon motion by Mrs. Jones, seconded by Mr. Hood, and opposed by Ms. McCabe, the Board approved advertisement of the Omnibus V Zoning Ordinance Amendment (4-1).

7.4. Mill Ridge/Assal Tract Record Plans: Ms. Bradley requested authorization to execute the Assal Tract Record Plan, pending receipt of all final development documents.

MOTION: Upon motion by Mrs. Haun, seconded by Ms. McCabe, and unanimously carried, the Board approved the Final Record Plans for the Mill Ridge Subdivision, conditional upon the Township receiving all required development agreements and fees.

8. Consideration of New Business:

8.1. Virtual Meetings Discussion: Ms. Bradley referenced a Memo regarding Senate Bill 841, Act 15 of 2020, which allowed governments to hold virtual public meetings during the COVID-19 pandemic. Mrs. Jones requested a discussion with the Board to consider the option of conducting all virtual meetings.

Mrs. Jones believed that many residents were not participating for fear of in-person meetings, which might exclude people. Virtual meetings could expand public participation. Ms. McCabe asked Mr. Nelson how other municipalities that he represented conducted their meetings. Mr. Nelson stated that it was about a 50/50 split between in-person and virtual meetings. Mrs. Jones asked the same of Mr. Kennard. Mr. Kennard agreed with Mr. Nelson's assessment. He noted that many communities have experienced resident complaints of virtual meetings because it was difficult to immediately interact with a board. Larger municipalities were receiving resident complaints to bring back in-person meetings.

Ms. Bradley added that virtual meetings would require additional staff to manage the technology of a virtual meeting. Current personnel at meetings could not properly conduct their committee meetings while simultaneously attempting to adequately run their own Zoom meetings. This would incur additional overtime

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or the hiring of additional staff. Mr. Nelson stated that Derry Township ran virtual meetings very efficiently, but they had specific staff that handled that. Mr. Kennard also stated that there have been other issues in Townships during virtual meetings, such as power outages, poor reception, echoes, and user errors, making it difficult to fully participate online.

Mr. Jones believed that the Township had made the in-person meetings work well. Neighborhood representatives helped to keep attendance low, while also raising concerns for their neighbors.

Mrs. Jones asked for comments from the residents in the audience.

Ms. McBrearty stated that she valued in-person communication, although the previous virtual Board meeting did allow for more residents to participate. There were some challenges in communication during the virtual meeting.

Ms. Margaret Briggs of Forest Park Drive suggested that the Board could accept public comments via email prior to the meeting. Zoom was getting better and shared a few other suggestions for running meetings. Ms. Briggs also suggested broadcasting the meetings.

Ms. McCabe stated that she would like to ask for volunteers that could help with running virtual meetings or broadcasting.

Mr. Jones stated that he believed the Township should continue holding in-person meetings and in the meantime look into costs of IT upgrades.

9. Consent Agenda: Mrs. Jones inquired if the Schoolhouse Road emergency access gate at Mode Transportation was permitted to be open. Mr. Hood stated that the gate would need to be closed after construction was finished. Ms. Bradley stated she would follow up with the issue.

Ms. McCabe asked why the fence had been removed at the new Wawa site. Mr. Kennard stated that the contractor had removed the fence to complete final grading. He continued that construction site fencing was not a Township requirement, but was usually done for the benefit of the developer.

MOTION: Upon motion by Mrs. Jones, seconded by Mr. Hood, the Board unanimously approved the following Consent Agenda items: Foxlane Homes at New Britain, LLC (Eagano) for the New Britain Meadows Subdivision development documents including Land Development Agreement, Memorandum of Development Agreement, Stormwater Facilities Operation and Maintenance Agreement, Declaration of Covenants, Easements, and Restrictions, and Final Record Plans; Casadonti Homes, Inc. for construction of a single-family home at 1121 Upper Stump Road (the Vineyard Lot #1): Amended Declaration of Covenants, Easements, Conditions, and Restrictions; 505 West Butler Ave, LLC (Extra Storage Property), TMP#26-006-096, a Stormwater Facilities Operation and Maintenance Agreement; Blue Bus Holdings, LLC (Jillamy/Mode Transportation) on Schoolhouse Road, Certificate of Completion #7 for \$269,383.06, leaving \$188,134.14 in an Irrevocable Letter of Credit and \$0.00 in Bond remaining; Provco Pinegood Chalfont, LLC for the W. Butler Avenue Wawa Project, Certificate of Completion #3 for release of financial security of \$67,979.70, leaving \$519,851.84 remaining.

10. Board of Supervisors' Comments: Mr. Hood asked Ms. Bradley about the status of the utility hookups at the Clauser Tree Company on Schoolhouse Road. Ms. Bradley stated that she believed utility connections were complete, but would verify the information.

Mr. Jones commended the Township's Public Works Department for all of their hard work during and after the recent Tropical Storm Isaias.

11. Township Administration Comments:

11.1. Mortimer Zoning Hearing Board Application: Ms. Bradley stated that on Thursday, August 20, 2020, beginning at 7:30 pm, the Zoning Hearing Board would consider three (3) applications. Robert and Kathleen Ferrell for 209 Creek Road, TMP #26-011-110 and McDonald's USA, LLC for 4272 County Line Road, TMP #26-005-049-005 had been discussed at the July 20 Board Meeting. The third hearing was the application of Edward Mortimer of 55 Curley Mill Road, TMP# 26-001-092, requesting multiple variances to subdivide the lot. Ms. Bradley recommended that the Board send the Township Solicitor to, at the minimum, protect the Township's interests due to multiple plans submitted by the applicant that had not been reviewed by Staff. She recommended opposition to the application.

Mr. Kennard pointed out that he conducted the plan review of the original Prime Properties subdivision that had created the present lot. This lot was never intended to be further subdivided. The Board discussed and agreed to oppose this application.

MOTION: A motion was made by Mrs. Jones, seconded by Ms. McCabe and carried unanimously to send the Township Solicitor in opposition of the Mortimer Zoning Hearing Board Application.

11.2. Hough Associates Recycling Grant Contract: Ms. Bradley stated that Hough Associates presented a three-year contract for filing the annual Recycling Grant Application. Contract and charge were unchanged from prior years at \$5,000 for a joint application with other Central Bucks communities. She was very happy with the service and the Township had received more grant money than when Township staff was handling it. Mrs. Haun agreed that their services should continue.

MOTION: Upon motion by Mrs. Haun, seconded by Mr. Hood, and unanimously carried, the Board approved renewal of the contract with Hough Associates for completion of the Recycling Grant Application.

11.3. Culvert Repairs Discussion: Ms. Bradley stated that Staff had assessed TS Isaias damage to the Walter Road and Sellersville Road culverts, and the Keller Road bridge. She requested authorization to bid a contract for culvert repairs. She recommended bidding one project for Walter Road, with an alternate for Sellersville Road to bring in more bidders as they are minor repairs. Ms. Bradley stated that the Walters Road and Sellersville Road projects would total around \$30,000 to \$35,000.

Ms. Bradley stated that the Keller Road repairs required more investigation and would require engineering of around \$12,500 to survey and inspect the bridge. A DEP permit would be required which may or may not require a hydrological study, which would add to the expense. Repair estimates were still being developed. She added that there also may be a Low Volume Road Grant Program that the Township could apply for to make repairs.

Mrs. Jones asked if the repairs to the Walter and Sellersville culverts would be more significant than the original work. Mr. Kennard confirmed that specifications called for more than the original to ensure this did not happen again. Damage was most likely exacerbated by the culverts having insufficient time to properly cure.

MOTION: Upon motion by Mrs. Haun, seconded by Ms. McCabe, and unanimously carried, the Board authorized going to bid for the repairs to the Walter Road and Sellersville Road culverts.

12. Solicitor and Engineer Comments: There were no Solicitor or Engineer Comments.

13. Public Comment: Ms. Briggs stated that she believed that language should be changed or included in the Omnibus Amendment in regard to impervious surfaces and setbacks for properties with A-Lots in her neighborhood. Mr. Nelson explained the reasoning for the change in language of calculating impervious surface specifically relating to the issues the Township was having in the Watershed district. The change impacted how the Township treated conservation easements. He continued that the situation with the A-Lots was different because they were separate lots with deed restrictions.

Ms. Briggs also shared a suggested change in language to setback requirements that she believed would remove hardships from properties with A-Lots. Mr. Robert Byrne of Forest Park Drive stated that he was required to seek variances for a pool project because of the language in the ordinance that prevented them from using the A-Lot to count towards their setbacks and allowable impervious surface.

Ms. McBrearty stated that she would like to have a follow-up on pest control of 113 Dolly Lane.

There was no other public comment at this time.

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

15. Payment of Bills:

15.1. Bills List dated July 23, 2020 for \$230,498.50:

MOTION: Upon motion by Mrs. Jones, seconded by Ms. McCabe, the Board unanimously approved the Bills List dated July 23, 2020 for \$230,498.50.

15.2. Bills List dated July 23, 2020 for \$689.20:

MOTION: Upon motion by Mr. Hood, seconded by Mrs. Haun, the Board unanimously approved the Bills List dated July 23, 2020 for \$689.20.

15.3. Bills List dated July 30, 2020 for \$24,974.27:

MOTION: Upon motion by Ms. McCabe, seconded by Mrs. Haun, the Board unanimously approved the Bills List dated July 30, 2020 for \$24,974.27.

15.4. Bills List dated July 30, 2020 for \$266,254.74:

MOTION: Upon motion by Mrs. Haun, seconded by Mrs. Jones, the Board unanimously approved the Bills List dated July 30, 2020 for \$266,254.74.


15.5. Bills List dated August 12, 2020 for \$375,415.10:

MOTION: Upon motion by Mr. Hood, seconded by Mrs. Haun, the Board unanimously approved the Bills List dated August 12, 2020 for \$375,415.10.

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 8:55 p.m.

NEW BRITAIN TOWNSHIP BOARD OF SUPERVISORS



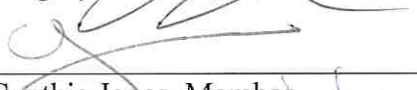
William B. Jones, III, Chair




Helen B. Haun, Vice Chair




Gregory T. Hood, III, Member



Cynthia Jones, Member



MaryBeth McCabe, Esq., Member

Attest: 

Eileen M. Bradley
Secretary/Manager

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