

SOLEBURY TOWNSHIP BOARD OF SUPERVISORS

July 19, 2016 – 7:00 P.M.

Solebury Township Hall

MINUTES

Attendance: Helen Tai, Chair, James Searing, Vice-chair, Noel Barrett, Paul Cosdon and Kevin Morrissey. Dennis H. Carney, Manager, Michele Blood, Finance Director, Jordan B. Yeager, Solicitor and C. Robert Wynn, Township Engineer, were also in attendance.

The meeting was called to order followed by the Pledge of Allegiance.

Approval of Bills Payable Lists

Res. 2016-94 – Upon a motion by Mr. Cosdon, seconded by Ms. Tai, the lists of Bills Payable dated June 30, 2016 and July 14, 2016, were unanimously approved as prepared and posted.

Approval of Minutes

The Board noted some minor typographical errors to be corrected.

Res. 2016-95 – Upon a motion by Mr. Searing, seconded by Mr. Cosdon, the Minutes of June 21, 2016, were unanimously approved with revisions.

Announcements/resignations/Appointments

- The Chair noted an executive session held prior to the meeting regarding personnel and litigation.

Supervisor Comment – No comment was offered.

Public Comment

- Resident CeCe Brillman addressed the Board regarding on-going flooding issues in her development and also submitted photographs of the area involved.
- Resident Ed McGahan urged the Board to carefully consider including a new salt storage structure in the 2017 budget, also noting that the NPDES permit for the site may be in danger of expiring.

PUBLIC HEARING – Farm Committee Ordinance – The Chair explained that the idea behind formation of the Farm Committee was to help protect the Township's agricultural land from development and to support and strengthen the economic viability of farming activities within the Township.

All Board members expressed their support and Mr. Morrissey expressed gratitude to his fellow members and others throughout the community for their support in establishing the Farm Committee.

Mr. Searing recommended one edit to the draft Ordinance, agreed to by the Board and the Solicitor will make the necessary edit.

In response to a question from resident David Benner inquiring as to how the members would be chosen, the Chair explained the process noting that interviews of those who have already expressed an interest are currently underway.

Resident CeCe Brillman offered to share a newspaper article about growing nutritional food for the elderly suggesting perhaps the Farm Committee could consider doing something similar.

Res.2016-96 – Upon a motion by Mr. Morrissey, seconded by Mr. Searing, it was unanimously agreed to adopt AN ORDINANCE OF THE BOARD OF SUPERVISORS OF SOLEBURY TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA, CREATING A FARM COMMITTEE PROVIDING OPERATING PROCEDURES FOR THE COMMITTEE, AND STATING THE RESPONSIBILITIES OF THE COMMITTEE, with revision.

NEW BUSINESS

Bucks County Consortium Fuel Bid – Bucks County Consortium accepted proposals for the following products:

	Riggins, Inc.	Suburban Propane	Superior Plus
Unleaded Regular	0.1450	0.3710	0.1550
Unleaded Premium	0.1450	0.1829	0.1700
#2 Heating Oil	0.1450	0.1483	0.2500
Ultra Low Sulfur Diesel	0.1350	0.2901	0.1550
Propane	No Bid	0.4912	0.7333

The bid prices above are the delivery costs per gallon for deliveries of less than 6,000 gallons. The product cost is the posted price at the refinery for each of the products and is the same for each supplier.

Res. 2016-97 – Upon a motion by Ms. Tai, seconded by Mr. Searing, it was unanimously agreed to award the bid for gasoline, ultra-low sulfur diesel and #2 heating oil to Riggins, Inc. as submitted and to award the bid for propane to Suburban Propane, Inc. as submitted.

HARB – Heffern, William & Rhonda, TMP #41-004-022 – Applicant Rhonda Heffern and the applicant's contractor, Patrick Pastella, were in attendance. The Historical Architectural Review Board has considered the application involving the removal of the existing rear sun porch and replacement with a new two-story living space; removal of concrete steps/porch and replacement with a larger porch and steps and has recommended issuance of a Certificate of Appropriateness. A copy of the recommendation is attached to these Minutes.

Res. 2016-98 – Upon a motion by Mr. Cosdon, seconded by Mr. Searing, it was unanimously agreed to issue a Certificate of Appropriateness to TMP #41-004-022 in accordance with the Recommendation of the Historical Architectural Review Board, a copy of which is attached to these Minutes. Issuance of the Certificate of Appropriateness does not relieve the applicant from obtaining any and all other applicable permits.

Aquetong Spring RFP for Environmental Assessment – The Township Manager explained the request for proposal for an environmental assessment of the lake area as well as a recommendation for restoration of the Aquetong stream, the former lake and surrounding areas. The proposal before the Board has been reviewed by the Township Engineer and Administration. Members of the Aquetong Spring Park Advisory Committee were also in attendance. The Township Engineer opined that the timeline in the RFP has been reviewed and is reasonable.

The Chair thanked the committee members, Mr. Carney and Mr. Wynn for their work on the project.

Responding to questions from the Board, Frank Nassetta of the Committee stated that thought has been given to recreation al uses for the Judy House, the Kate Smith House and parking facilities, however, the stability of the stream and surrounding area is the first priority.

Res. 2016-99 – Upon a motion by Mr. Searing, seconded by Ms. Tai, it was unanimously agreed to authorize the issuance of the RFP as drafted by the Township Administration, Township Engineer and the Aquetong Spring Park Advisory Committee, with possible revisions to the timeline as appropriate.

Joseph Chiesa Land Donation – The Township Solicitor recommended that consideration of this Agenda item be deferred until the end of the meeting and the Board concurred.

OLD BUSINESS

New Hope Crushed Stone Quarry – The Chair provided the following update.

“Since our last supervisor meeting on June 21, the following has occurred:

- *Administrative:*
 - *DEP has loaded all requested documents on their website going back to the July 2014 EHB ruling . The June monthly report on reclamation progress may also be found there.*
<http://www.dep.pa.gov/About/Regional/SoutheastRegion/Community%20Information/Pages/New-Hope-Crushed-Stone.aspx>
- *Reclamation & Restoration*
 - *Both reclamation and restoration are continuing on schedule to be completed in March 2019. Water is now covering the entire pit floor.*
- *Bond*
 - *As previously mentioned, on June 13, DEP requested an increase in the bond from \$465,850 to \$1.1 million. NHCS responded on July 7 by requesting a “payment in lieu of bond” or PILB. Basically this is a request for DEP to provide an alternative bond to the quarry. In order to qualify for a PILB, “the applicant must demonstrate to the Department that they are unable to post a conventional surety or collateral bond, and the operator’s past history of compliance with environmental laws does not indicate a lack of intention or ability to comply with financial responsibility requirements.”*
 - *On July 13, DEP responded to NHCS by requesting additional information, including demonstrating that they are unable to obtain a conventional surety by providing letters of rejection from 3 surety companies. NHCS has 10 business days to respond.*
- *Appeal of January 29 letter*
 - *Settlement discussions between DEP and NHCS are ongoing and DEP has reiterated that they will bring in the Township and Solebury School before any settlement is finalized.*

- *NHCS did not meet the electronic discovery deadline for the appeal and gave themselves a two-week extension without going through the proper procedure. NHCS subsequently provided the discovery documents on July 14.*
- *NHCS has served discovery requests to both Solebury School and the Township. Much of what they requested goes well out of bounds and our solicitor is preparing a set of objections.*
- *The next Communication Group meeting is tentatively scheduled for August 8. The Annual DEP Meeting will be scheduled in September or October"*

SUBDIVISIONS/LAND DEVELOPMENTS/CONDITIONAL USES

David & Sylvia Johnson Lot Line Change - The property, located at 3485, 3503 & 3461 Old Windy Bush road involves TMP #41-41-36-50-1, 41-36-48 & 41-36-49. The applicants are proposing minor lot line adjustments to bring each lot into compliance with current zoning requirements regarding driveway and fence encroachments.

Ed Murphy, Esquire and Chance Worthington, applicants' contractor, were both in attendance.

The Township Planning Commission has reviewed the application and recommended approval with conditions. A copy of the recommendation is attached to these Minutes.

Res. 2016-100 – Upon a motion by Ms. Tai, seconded by Mr. Cosdon, it was unanimously agreed to approve the Johnson Lot Line Adjustment/Minor Subdivision Plan #16-597 for TMP #41-41-36-50-1, 41-36-48 & 41-36-49 conditioned upon compliance with the Township Engineer's review letter dated June 8, 2016 and that the requested Waivers as identified in paragraph #1 of the Township Engineer's letter of June 8, 2016 be granted and that the monumentation referenced in paragraph #7 of said letter be installed in the form of concrete monuments.

Joseph Chiesa Land Donation – The Board returned to discussing the documents related to the Chiesa Land Donation. Language revisions were requested by the Board which will be made by the Township Solicitor prior to signing the official documents.

Res. 2016-101 – Upon a motion by Mr. Searing, seconded by Ms. Tai, it was unanimously agreed to adopt the Resolution authorizing the acceptance of donation of certain real estate known as TMP 41-007-012 located on Armitage Road and to authorize the appropriate Township officials to execute the Declaration of Easements, Covenants, Conditions and Restrictions (also attached as Exhibit "A" of Resolution) and the Donation Agreement of Acquisition of Real Estate (also attached as Exhibit "B" of Resolution), as amended.

The Board discussed recognizing Joseph and Marion Chiesa for their generous donation.

Res. 2016-002 – Upon a motion by Mr. Searing, seconded by Ms. Tai, on behalf of the entire Solebury community, the Board unanimously recognized and expressed its appreciation to Joseph & Marian Chiesa for their generous and unselfish contribution of land to the Township, furthering the goals and objectives of the Township by protecting and preserving this ecologically sensitive area in perpetuity, resulting in a legacy for future generations to enjoy. It is due to their generosity and others like them that approximately a third of Solebury Township is protected from further development, thereby preserving the historic heritage and scenic beauty of our community.

Zoning Hearing Board – Application for zoning relief regarding 2980 River Road in Centre Bridge, TMP 41-019-013-001. The Chair noted the comments and concerns regarding the application expressed by the Township Engineer.

Res. 2016-103 – Upon a motion by Ms. Tai, seconded by Mr. Searing, it was unanimously agreed to direct the Township Solicitor to attend the Zoning Hearing Board hearings scheduled regarding the project proposed for 2980 River Road in Centre Bridge.

Public Comment

- Resident Ed McGahan complimented the Board on the work being done on reviewing the Township's permitting process.
- Resident CeCe Brillman opined that she believed the Twp. Manager had a conflict of interest related to the photographs she provided at the meeting and the photographs were subsequently provided to the Township Solicitor.

Adjournment

Res. 2016-104 – Upon a motion by Ms. Tai, seconded by Mr. Searing, the meeting was adjourned at 8:55 p.m.

Respectfully submitted
Dennis H. Carney
Township Manager