

SOLEBURY TOWNSHIP BOARD OF SUPERVISORS
October 18, 2016 – 7:00 P.M.
Solebury Township Hall

MINUTES

Attendance: Helen Tai, Chair, James Searing, Vice-chair, Noel Barrett, Paul Cosdon and Kevin Morrissey. Gretchen K. Rice, Assistant Manager, Michele Blood, Finance Director and Jordan B. Yeager, Solicitor, were also in attendance.

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

Approval of Bills Payable

2016-141 – Upon a motion by Mr. Searing, seconded by Mr. Cosdon, the list of Bills Payable dated October 13, 2016 was unanimously approved as prepared and posted.

Approval of Minutes – Sept. 19, 2016; Sept. 20, 2016; Oct. 4, 2016

Mr. Cosdon requested edits to the Minutes of October 4th and Mr. Searing requested edits to the Minutes of September 19th.

Res. 2016-142 – Upon a motion by Ms. Tai, seconded by Mr. Morrissey, the Minutes of September 19, 2016, September 20, 2016 and October 4, 2016 were unanimously approved with revision.

Announcements/Resignations/Appointments

- The Chair announced an executive session held on October 17, 2016 regarding potential litigation and real estate.

Res. 2016-143 – Upon a motion by Mr. Cosdon, seconded by Mr. Morrissey, the Aquetong Spring Advisory Committee was extended for a one year period and the committee memberships were extended for the same length of time.

Supervisor Comment

- Ms. Tai stated that the Board members now have the option to receive materials electronically. Ms. Tai and Mr. Morrissey have elected to take advantage of this option.
- Mr. Morrissey emphasized the importance of volunteers in the overall operation of the Township, noting that there are many varied advisory committees and organizations that depend solely upon volunteers. He encouraged anyone who feels they might have any interest in participating to contact either Jean Weiss or Gretchen Rice at the Township.
- Mr. Searing noted that the National Drug Take-Back Day was scheduled for Saturday, October 22nd from 10 to 2 at the Giant food store in Solebury, CVS in New Hope and the Solebury Township Police Department, adding that the Solebury PD has a drop box that accepts drugs year-round.

- Mr. Searing advised that on November 5th from 9 a.m. to 12 noon, (rain date November 12th) a tree planting event will take place at Aquetong Spring Park, 6390 Lower York Road. Two hundred trees provided by a TreeVitalize Grant from the Pennsylvania Horticultural Society are to be planted. Volunteers are asked to arrive at 8:45 a.m. to register at 6390 Lower York Road (signage will be in place) and to bring a shovel. Additional information will be posted on the Township's website prior to the event.

Public Comment

- Thomas Spalter of Ely Road referenced a petition delivered earlier in the day addressed the Board with concerns about the lack of line striping and speed signs on Ely Road. Ms. Tai advised that the Township Manager is addressing this issue in combination with other road stripping work in the upcoming months.

PUBLIC HEARING – New Hope Winery – Liquor License

Ms. Tai introduced the subject matter and the Township Solicitor opened the hearing. The applicant was present with Stephen B. Harris, Esquire and Ellen M. Freeman, Esquire. A court stenographer was present to record the testimony.

Following testimony the Township Solicitor closed the hearing.

It was noted that the subject license to be transferred into the Township was from the Borough of Perkasio and not the "Township" of Perkasio. The documents will be revised to reflect that correction.

Res. 2016-144 – Upon a motion by Mr. Searing, seconded by Ms. Tai, it was unanimously agreed to adopt a Resolution of the Township of Solebury, County of Bucks, Commonwealth of Pennsylvania, approving the transfer of Restaurant Liquor License No. R-18135 into the Township of Solebury from the Borough of Perkasio, Pennsylvania as proposed.

Borrowing Ordinance – Authorization to Advertise – Jamie Schlesinger, Director, PFM Financial Advisors, LLC, the Township's Financial Consultant, was present to review a draft parameters ordinance for the Board's consideration. The proposed parameters ordinance discloses terms and parameters including but not limited to the amount, date, interest rates, payment dates, final maturity, savings (if refunding earlier borrowings) and other items that may be deemed appropriate.

Mr. Schlesinger addressed questions from the Board members related to among other things, interest rates, estimated timeline involved, the dollar amount referenced, and payment structure. He noted that the Board of Supervisors retains the ability to stop the process and not proceed up to the time of the auction if a situation arises where the Board determines it does not want to refinance as proposed. Advertising the proposed Ordinance allows the process to move forward but does not lock the Township into anything.

Res. 2016-145 – Upon a motion by Mr. Searing, seconded by Mr. Cosdon, it was unanimously agreed to authorize advertising an ORDINANCE AUTHORIZING THE INCURRENCE OF DEBT OF THE TOWNSHIP OF SOLEBURY BY THE ISSUANCE OF GENERAL OBLIGATION BONDS, IN ONE OR MORE SERIES, IN AN AGGREGATE PRINCIPAL AMOUNT NOT TO EXCEED \$9,000,000 FOR THE PURPOSE OF PROVIDING FUNDS FOR A REFINANCING PROGRAM AND VARIOUS CAPITAL PROJECTS AND PAYING THE COSTS OF ISSUING THE BONDS; AUTHORIZING THE PREPARATION AND FILING OF A DEBT STATEMENT AND

OTHER DOCUMENTATION; COVENANTING TO CREATE A SINKING FUND AND TO BUDGET, APPROPRIATE AND PAY DEBT SERVICE ON THE BONDS AND PLEDGING THE FULL FAITH, CREDIT AND TAXING POWER OF THE TOWNSHIP FOR THE BONDS; PROVIDING FOR THE SUBSTANTIAL FORM, DATE, MATURITY DATES, INTEREST RATES, REDEMPTION PROVISIONS AND OTHER PROVISIONS OF SUCH BONDS; AUTHORIZING THE EXECUTION OF A CONTINUING DISCLOSURE CERTIFICATE; FINDING THAT A PRIVATE SALE BY NEGOTIATION OF THE BONDS IS IN THE BEST FINANCIAL INTEREST OF THE TOWNSHIP AND AUTHORIZING THE ACCEPTANCE OF A PROPOSAL FOR THE PURCHASE OF THE BONDS AND AN ADDENDUM THERETO IN THE EVENT SUCH ADDENDUM MEETS CERTAIN STIPULATED REQUIREMENTS; AUTHORIZING THE PREPAYMENT OR REDEMPTION OF AN OUTSTANDING GENERAL OBLIGATOIN NOTE OF THE TOWNSHIP; APPOINTING A PAYING AGENT AND SINKING FUND DEPOSITORY; DESIGNATING THE BONDS AS QUALIFIED TAX EXEMPT OBLIGATIONS; STATING AUTHORITY FOR ENACTMENT OF ORDINANCE; STATING THAT ORDINANCE IS A CONTRACT WITH REGISTERED OWNERS OF BONDS; SETTING FORTH A SEVERABILITY CLAUSE; CANCELLING AND ANNULING INCONSISTENT ORDINANCES; AND AUTHORIZING OTHER NECESSARY ACTION, as drafted.

PRESENTATION

EAC regarding Deer Management & Road Spraying

Ron Moule and Eric Allen of the Township's EAC provided a presentation to the Board that detailed their research, findings and recommendations on ways to address the deer overpopulation. A copy of the presentation is attached to these Minutes.

Mr. Allen noted that in 1700 the deer population density was 8 to 10 deer per square mile while today it is estimated to be 197 deer per square mile. Agricultural losses in Pennsylvania exceed \$100 million and the overpopulation also causes substantial damage to gardens, parks and ornamental landscapes.

Concern was also expressed about the deer-vehicle collisions that average approximately \$4,135 per claim according to a 2015 report from State Farm.

The presentation pointed out that Pennsylvania has been ranked #1 in the nation for Lyme disease for three straight years with Bucks County is ranked as #2.

Included in the presentation were photographs of healthy understory and photographs of understory in Solebury documenting that Solebury's forests are losing their ability to regenerate.

According to the presentation, options such as sterilization, birth control, relocation, barrier fencing and reintroduction of predators will not work due to cost and logistics. The presentation states that the only proven method of control is a program of legally managed hunting.

Mr. Allen stated that during a number of meetings with various representatives and the PA Game Commission, it appears the Game Commission is willing to work with Solebury on this issue by possibly expanding a Red Tag Program with a reduction in property size requirements and an extended hunting season. As a stop gap measure for this season, 500 additional deer tags have been allocated and provided to the Township for the current Solebury program.

The EAC identified and considered three options for managing the population:

1. USDA cull – effective but very high cost and locally unpopular;
2. Enhancing the current Solebury program – additional costs; inability to provide liability insurance; not effective enough;
3. BOWMA or similar hunting organization – A Yardley PA based group that would manage hunters at little or no cost (less than \$2,000 annually).

Mr. Allen stated that he had been provided with a sample one-year contract by BOWMA. He emphasized that BOWMA members are vetted by police background checks, marksmanship tests and personal interviews in addition to carrying liability insurance. He added that Solebury hunters would be given priority in the assignment of properties.

Mr. Moule added that the EAC was unanimous in its recommendation that the Board contract with BOWMA or a similar group and fold the existing Solebury program into it.

Mr. Morrissey, Mr. Allen and Ms. Tai all agreed that educating the residents to understand the severity of the problem is a very important step to be taken.

Responding to a question from Mr. Barrett, Mr. Allen stated that in order to allow the understory to regenerate the Township would really need to reduce the population down to 10 to 12 deer per mile.

Mr. Searing questioned what would happen to the current hunters in the Solebury program and if there was a transition plan developed. Mr. Allen responded that BOWMA would review those applications and offer bonus points as applicable.

Ms. Tai suggested that the current season should be allowed to proceed for now.

Mr. Moule commented that he is sensitive to the current hunters but opined that BOWMA is a better use of Township resources.

Mr. Cosdon noted that he participates in the current Solebury program and his property is only two acres in size. Residents need to know that it is not necessary to have a large property to participate in the program. Mr. Cosdon also noted that there may be funds available to help the Township cull deer, mentioning State Farm Insurance as one entity that apparently has funds available.

Andy Martinsen, head of the Hunters Sharing the Harvest pointed out that there have been no issues between hunters and homeowners under the current Solebury program. Mr. Martinsen went on to point out that in order to be considered by BOWMA you must be 21 years of age. This would eliminate the ability of father/son or father/daughter hunters, etc. unless the son/daughter is 21 which is not always the case in Solebury. Mr. Martinsen also stated that there is a \$175.00 application fee to join BOWMA, and BOWMA is currently not accepting applications.

Mr. Cosdon opined that Solebury residents, whether or not in the current program and regardless of age, should receive priority.

Ms. Tai noted that by contracting with BOWMA landowners would have the comfort level of knowing there is liability insurance and background checks done on the hunters.

Mr. Moule stated that BOWMA would administer everything and stated that under the Solebury program Mr. Carney advised that an additional part-time employee would be needed at a cost of \$20,000 to \$30,000 annually.

Solebury resident hunters suggested that a Solebury non-profit could be established consisting of current Solebury hunters and then it too might be able to obtain liability insurance if that is the concern.

When asked how many hunters BOWMA had in its organization, the response was 19 hunters.

Resident and hunter Michael Warden opined that there is no need to bring in any outside agency to administer the program, emphasizing that BOWMA has only 19 hunters, and Jean Weiss already administers the Township's program that has 81 hunters. He continued that recently a number of additional properties have joined the Solebury program and there have never been any issues involved with the landowners, hunters or administration of the program itself.

A number of the hunters in the audience stated that they would be willing to volunteer without compensation to help with administration tasks rather than have the Township contract with BOWMA or any similar group if administering the Solebury program is an issue.

Mr. Warden pointed out that in 2015, Lower Makefield culled 71 deer and Upper Makefield culled 48 deer by contracting with BOWMA. He would be very interested in a comparison between those numbers and the number of deer taken in Solebury's program and those properties that allow hunting in the Township that are not currently in the program.

Mr. Warden continued that there are many properties in Solebury Township that allow hunting but are not included in the numbers of deer taken because they are not in any program and have no need to report the number of deer taken. Many Solebury property owners have long-standing relationships with local hunters and see no need to participate in a formal hunting program.

Resident and hunter Joe Klicka encouraged the Board to allow the local hunters to hunt for 10 months with the additional 500 tags at no cost to the Township under the current Solebury program and then see what the results are before bringing in another outside group.

Resident Nikolai Gasiorowski, having moved to Solebury from New York stated that he is not a hunter but does allow hunting on his property and continued to articulate his reasons for moving to Solebury commenting that allowing an outside agency come into the area in place of local hunters is not what he would want. Property owners allowing hunters on their property do so because of relationships that have been established with the local hunters in Solebury's program administered by Ms. Weiss.

Resident hunter Eric Mendola opined that the Board doesn't have a right not to give the local hunters a chance. He stated that he would be happy to contribute to a charity of a property owner's choosing for the privilege of hunting on a property if the property owner requested him to do so, but took issue with being required to pay an outside agency like BOWMA \$175 for the privilege of hunting on properties in Solebury Township.

Both Ms. Tai and Mr. Moule stated that a key issue is recruiting more landowners to participate in the program, and that we needed to make the proposition as attractive and hassle-free as possible. Liability insurance and background checks could provide ease of mind for landowners who do not personally know the hunters.

Mr. Spalter asked why sterilization wouldn't work and Mr. Allen responded that the cost is prohibitive and logistically it wouldn't work.

Nancy Albence commented that Maryland has a very successful sterilization program.

Mr. Cosdon pointed out that the type of deer being addressed by sterilization in Maryland is not a whitetail deer.

Resident Wayne Kenton, while not a hunter, would encourage the Board to support the local hunters before bringing in any outside group.

Mr. Warden referenced legislation that addresses the liability issues involved when allowing hunting on your property. The Township Solicitor pointed out that there may be caps involved but there are ways to deal with it.

Ms. Tai commented that she appreciates the passion of the local hunters and encouraged them to meet with the EAC to further discuss the issues raised and to come back to the EAC and the Board of Supervisors with a proposal.

Mr. Searing stated that the Board, Mr. Moule and Mr. Allen have now heard the comments and will further consider them, adding that this is the first time the Board has heard from the EAC and the public on this topic and he is certain there will be more comments to come.

Roadside Spraying – Mr. Moule and Mr. Allen addressed the Board about the roadside spraying done by PennDOT on state roads within the Township.

Noting that the Township uses mowing along roadsides to remove weed but sometimes mowing is ineffective. In those instances, the Township has utilized a herbicide commonly known as Round-up on a limited basis.

The Township Manager, at the request of the EAC, has agreed to consider alternatives such as WeedZap, horticultural vinegar & salt, or other Organic Material Research Institute approved herbicides.

The Board noted that the Township Manager has repeatedly made requests and tried to communicate with PennDOT. To date PennDOT has been unresponsive. The EAC has requested that the Township send a formal letter of request to PennDOT so there is documentation.

The Board directed that the Township Manager should send a letter to PennDOT outlining the Township's concerns, including a request that PennDOT stop its roadside spraying program in Solebury or in the alternative, that PennDOT consider using herbicides that are not toxic such as WeedZap, horticultural vinegar & salt, or other Organic Material Research Institute approved herbicides as recommended..

New Hope Crushed Stone Quarry – Update by Ms. Tai.

“COMPLIANCE ORDER & PENALTY:

At the September 20 meeting, I announced that DEP issued a Compliance Order on August 26 to New Hope Crushed Stone due to its failure to conduct the minimum amount of reclamation outlined in the Department’s January 29, 2016 letter. As required by the Compliance Order, NHCS submitted a corrective action plan (CAP) detailing how it would make up the shortfall. DEP has found the CAP unacceptable as it considers the catch up period of 18 months too long. DEP will set up a meeting with NHCS to ensure an adequate CAP is submitted. In the meantime, the Quarry has appealed the August 26 Compliance Order.

The quarry’s September monthly report shows that they exceeded the required number of truckloads of fill placed for reclamation.

Previously, I mentioned that DEP assessed a civil penalty to the quarry for the preliminary amount of \$20,370 and that the penalty could be reduced if NHCS provided new information. Subsequently the quarry questioned the penalty, including the interest rate used in the calculations. They also claim that some of the shortfall was due to challenges with hiring and training personnel. DEP will review the quarry’s concerns and make a decision by early next week.

SETTLEMENT NEGOTIATIONS

As part of settlement negotiations, DEP and NHCS have discussed the possibility of an alternative approach to addressing the public nuisance/safety issue. Although a final proposal has not yet been received, the general approach would be for NHCS to proactively identify and address sinkhole-prone areas. The quarry believes this would address the public nuisance problem faster than restoring the groundwater. DEP expects NHCS to submit a proposal in two weeks. At that time, DEP will share the terms of the proposal with Solebury School and Solebury Township.”

Bamboo Ordinance – continued discussion – The Township Solicitor provided two updated draft Ordinances for consideration. One contains edits from the last discussion and one contains the same edits but prohibits future planting of running bamboo.

Mr. Cosdon noted that the original intent was not to actually ban running bamboo, but to control it. The second draft is a complete ban on future planting and he would support that.

Mr. Searing expressed concern about the Township’s ability to enforce the proposed regulations.

The Board discussed the need for additional language to clarify Section 3.B.2 and 3.B.3.a., insertion of the word “running” in Section 1 and elimination of the last clause in Section 3.E.2.

Mr. Morrissey and Mr. Barrett both expressed support for the second option that prohibits future planting.

Resident Wayne Kenton opined that the proposed drafts are extremely punitive and given the difficulty in removing it once established, he would hope that the Township would also be offering advice or assistance to remediate existing stands of running bamboo.

Resident Joe Klicka opined that he would support the 30 foot setback requirement from property lines and roadways and encouraged the Board to move forward with the Ordinance.

The Board discussed various ways to educate residents about the proposed regulations and timeline for enforcement once adopted.

The EAC will be compiling information to assist current bamboo owners in addressing the issue.

Res. 2016-146 – Upon a motion by Mr. Cosdon, seconded by Mr. Barrett, it was unanimously agreed to authorize advertising for adoption on November 15, 2016, AN ORDINANCE OF THE TOWNSHIP OF SOLEBURY, BUCKS COUNTY, PENNSYLVANIA TO PROVIDE FOR THE REGULATION OF CONTROLLING, AND REMOVAL OF BAMBOO, INCLUDING PENALTIES AND OTHER REMEDIES FOR VIOLATIONS, as reflected in draft dated 9/27/2016, with revisions as discussed.

Farm Committee – Mr. Morrissey opened the discussion with suggestions on tasks that the newly established Farm Committee could undertake, beginning with establishing a listing or inventory of farms in the Township. Once inventoried, contact could be made with the owner/operator of the individual farms to identify issues farmers are facing with a goal toward prioritizing those issues.

Resident and Farm Committee member Stephen Phillips agreed that creating an inventory of farms would be a useful first step.

The Board concurred that a first step would be to identify all the various farms within the Township.

Aquetong Creek Restoration Project – The recommendation from the Aquetong Spring Advisory Committee to accept the proposal submitted by Princeton Hydro, LLC of Ringoes, NJ was discussed at the public work session held on October 17th.

Mr. Cosdon commented that the analysis used was good however he believes more analysis is warranted prior to accepting the proposal.

Res. 2016-147 – Upon a motion by Mr. Searing, seconded by Mr. Barrett, it was agreed to accept the proposal the proposal submitted by Princeton Hyrdo, LLC of Ringoes, NJ for the Aquetong Creek Restoration Project in the amount of \$35,990.00 be accepted as recommended by the Aquetong Spring Advisory Committee, and that the Township Manager and the Township Engineer shall serve as the Township’s representatives and points of contact during the project.

In favor: Ms. Tai, Mr. Searing, Mr. Barrett and Mr. Morrissey

Opposed: Mr. Cosdon

Motion Carries

NEW BUSINESS

Bucks County Hazard Mitigation Plan – Adoption of Resolution – The Bucks County Hazard Mitigation Plan, created by the County with participation from all Bucks County Municipalities, including Emergency Management Coordinators, Bucks County Planning Commission, officials and citizens of Solebury Township was adopted by the County on August 17th. In order for Solebury Township to be eligible for federal disaster assistance, the plan must be formally adopted by resolution.

Res. 2016-148 – Upon a motion by Mr. Searing, seconded by Mr. Cosdon, it was unanimously agreed to adopt the Bucks County 2016 Hazard Mitigation Plan by Resolution as proposed.

SUBDIVISIONS/LAND DEVELOPMENTS/CONDITIONAL USES

Johnson Lot Line Change – Execution of Mylars – Approval was granted by the Township on July 19, 2016. The Mylars have been reviewed and sign by all parties including the Township Engineer.

Res. 2016-149 – Upon a motion by Ms. Tai, seconded by Mr. Cosdon, it was unanimously agreed to authorize execution of the Johnson Lot Line Mylars and authorize the Township Solicitor to record them at the Recording of Deeds office.

Public Comment – No additional public comment was offered.

Adjournment

Res. 2016-150 – Upon a motion by Mr. Cosdon, seconded by Mr. Morrissey, the meeting was adjourned.

Respectfully submitted
Gretchen K. Rice
Assistant Manager

