

**SOLEBURY TOWNSHIP BOARD OF SUPERVISORS**

**November 15, 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, Gretchen K. Rice, Assistant Manager and James Esposito, Esquire, were also in attendance.

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

**Approval of Bills Payable**

**Res. 2016-156 – Upon a motion by Mr. Cosdon, seconded by Mr. Searing, the list of Bills Payable dated November 9, 2016, was unanimously approved as prepared and posted.**

**Approval of Minutes**

Mr. Searing requested one revision to the Minutes as drafted:

**Res. 2016-157 – Upon a motion by Mr. Searing, seconded by Mr. Cosdon, the Minutes of October 17, 2016 were unanimously approved with revision.**

Mr. Searing requested two revisions to the Minutes as drafted.

**Res. 2016-158 – Upon a motion by Mr. Searing, seconded by Mr. Barrett, the Minutes of October 18, 2016 were unanimously approved with revision.**

Mr. Searing requested one revision to the Minutes as drafted.

**Res. 2016-159 – Upon a motion by Mr. Searing, seconded by Mr. Cosdon, the Minutes of November 1, 2016 were unanimously approved with revision.**

**Announcements/Resignations/Appointments**

- The Board announced an executive session that was held following the meeting on November 1<sup>st</sup> regarding quarry litigation and personnel and an executive session held before this meeting with a follow-up executive session to follow this meeting regarding personnel compensation.
- Ms. Tai encouraged residents to volunteer to serve on Solebury's numerous advisory boards and committees. Anyone that may be interested in volunteering their time and expertise is asked to provide a brief statement of interest and contact information and an interview with the Board will be scheduled.

## Supervisor Comment

- Ms. Tai read the following statement on behalf of the Board:

### ***"Statement of Inclusion***

*The Solebury Township Board of Supervisors condemns all hateful and illegal acts that recently occurred in our area and across the country.*

*We state unequivocally that Solebury Township is a community of respect, caring and inclusion.*

*As a township, we will continue to welcome, value and do our best to protect every person, regardless of race, religion, gender, sexual orientation, gender identity, disability, political affiliation or nationality."*

- Ms. Tai updated the Board and audience on the proposed PennDOT rehabilitation of the Bridge on Sugan Road and Cuttalossa Road. The Section 106 Consulting Party public meeting will be held on Monday, December 5, 2016, at The Event Center, New Hope Eagle Firehouse, 46 North Sugan Road, New Hope, PA 18938. The meeting will be from 6:00 p.m. to 8:00 p.m. This is an opportunity to review, discuss, and comment on the proposed project as it relates to Historic Properties eligible for or listed in the National Register of Historic Places.
- Mr. Cosdon commented on the tree planting event that took place at Aquetong Spring Park, noting that there were 20 to 30 people who took part and specifically commended Scott Petri for participating four days before the general election.
- Mr. Cosdon commented on the recent solicitation sent to Solebury residents by the Central Bucks Emergency Medical Services, opining as to the importance of having emergency services readily available to residents of Solebury and encouraging everyone to contribute.
- Mr. Searing expressed his thanks to everyone who participated in the tree planting at Aquetong Spring Park, including Aquetong Watershed Association members, the Pa. Horticultural Society; the Keim family, Brian Keys, who acted as "Ranger", Michael Zolkowitz, Les Isbrandt, Solebury Historic Society, Pattie Bacon Clark of Deer Park, fellow Supervisors and Dudley Rice for organizing and securing the grant for the Township.
- Mr. Morrissey again encouraged Solebury residents to volunteer for vacancies on the various advisory committees.

## Public Comment

- Lisa Gladden-Keyes commended and thanked the Board for its "Statement of Inclusion" and recounted several negative encounters that members of the community had experienced.

- Mr. Morrissey encouraged everyone to reach out and be supportive of those individuals that may be affected by hateful acts adding that he has great faith in the Solebury community to stand up and do what's right.

PUBLIC HEARING – Bamboo Ordinance – Following the opening of the hearing, Mr. Cosdon provided a brief history on the origination of the proposed Ordinance.

Mr. Cosdon recommended that Section 3.F of the draft be removed in total. The Board members concurred with this recommendation.

Mr. Searing expressed discomfort with the amount of time provided in Section 5 opining that it was insufficient and revisited concerns previously raised regarding the 30 foot setback from the legal right of way, commenting that it creates yet another buffer area that residents have to deal with.

Mr. Searing also recommended that references to 'his' should be revised to reflect 'his or her' were applicable. The Board members concurred with inserting 'or her' as applicable.

Mr. Esposito noted that if revisions are made regarding the setback from the legal right of way, the Ordinance would need to be advertised again as this would be considered a substantive change from what was already advertised.

The Board discussed providing a grace period to provide residents with additional time before enforcement actions would be initiated.

Resident Joe Klicka stated that there should be no grace period provided, noting that clearly people who have allowed bamboo on their property have taken no steps to remove or control it and no amount of additional time is going to change that.

Mr. Cosdon agreed that no grace period should be provided.

Ms. Tai commented that the EAC has been asked to put together information to assist property owners including recommended removal methods.

Resident Pat Yorks addressed the Board and expressed her thanks for its efforts to address the issue. She relayed how bamboo from a neighbor's property had expanded into her property and the time and expense she has incurred to remove it over the past 6 years.

**Res. 2016-160 – Upon a motion by Mr. Cosdon, seconded by Mr. Morrissey, it was unanimously agreed to adopt 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, with revision to include removal of Section 3.F. and insertion of "or her" in Section 3.E.1.**

The Board asked the administration to send a first notice to property owners known to have bamboo on their property before citations are issued. Mr. Carney added he would send a letter and Ordinance to all residents.

## NEW BUSINESS

### 2017 Meeting Dates – proposed dates

**Res. 2016-161 – Upon a motion by Mr. Barrett, seconded by Mr. Cosdon, the list of proposed meeting dates for the Board of Supervisors was unanimously approved. A copy of the list is attached to these Minutes.**

Intergovernmental Ordinance with Buckingham Township – The proposed Ordinance is to formalize the Agreement between Solebury Township and Buckingham Township for the joint purchase of an Asphalt Paver. Buckingham Township previously adopted an identical Ordinance.

**Res. 2016-162 – Upon a motion by Mr. Searing, seconded by Mr. Barrett, it was unanimously agreed to authorize advertising the Intergovernmental Ordinance between Solebury Township and Buckingham Township for adoption on December 13, 2016.**

Verizon Letter re FIOS – Mr. Morrissey opened the discussion recommending that the Board take steps to arrange a meeting with Verizon to review issues and exchange ideas relating to the installation of FIOS throughout the Township. Noting that personally he has no particular preference for Verizon or any other provider, he stated his goal is to provide a cost efficient and competitive environment for TV and Internet access for all Solebury residents.

Mr. Morrissey expressed frustration at how the Verizon local management appears to ignore the Township's attempts to discuss the possibility and encouraged the Board to shift its focus to the Verizon executive management in Washington DC in the hopes of initiating discussions.

The Board members were in agreement and the administration will write to the executive management of Verizon in Washington DC and request a meeting.

Agricultural Security Area – Applications have been received from Temple Partners for inclusion of TMP Nos. 41-001-029-001; 41-001-02009-002; 41-013-025-003 and 41-002-076-003 in the Solebury Township Agricultural Security Area.

**Res. 2016-163 – Upon a motion by Mr. Morrissey, seconded by Ms. Tai, it was unanimously agreed to acknowledge receipt of an Application from Temple Partners for inclusion of TMP Nos. 41-001-029-001; 41-001-02009-002; 41-013-025-003 and 41-002-076-003 in the Solebury Township Agricultural Security Area.**

## OLD BUSINESS

New Hope Crushed Stone Quarry – Ms. Tai updated the Board and audience as follows:

*"As previously mentioned, NHCS submitted a Corrective Action Plan (CAP) to the DEP on 9/23 detailing how it would make up the reclamation volume deficiencies. In a meeting with the Quarry Communication group on 10/17, DEP informed us that they found the CAP unacceptable as they considered the catch up period of 18 months too long. DEP told us that they thought a*

*more appropriate timeframe would be nine months. Although we implored DEP to shorten the catch up period to six months or less, they ultimately sent a letter to NHCS requesting a revised CAP with a catch up period of 9 months or less. NHCS submitted a revised CAP and the DEP again found issues with the plan and delineated timetable. This was discussed with NHCS and their consultant during a meeting on November 9. NHCS needs to respond with clarifications and revisions based on this meeting.*

**January 29 Appeal – Settlement Update:**

*The EHB ruling stated that dewatering was causing the sinkholes and thus the January 29 letter from DEP to NHCS specified a maximum 500,000 GPD water pumping limit. On October 24, the quarry submitted a proposal with a suggested alternative approach to mitigating the public nuisance. In their proposal, they state that rising water will actually increase the likelihood of sinkholes and that they have a more effective and safe way to address the situation. They suggest a “proactive investigative and remedial approach, in lieu of filling the quarry with water, because a safer condition will result in a shorter time.” Essentially their proposal is to proactively identify sinkhole-prone areas and repair them to reduce the risk of further impact. The quarry has requested a meeting with the township to discuss the proposed settlement, and the meeting is being scheduled for later this month or early December.*

**RECLAMATION UPDATE:**

*The quarry’s October monthly report shows that they are in compliance with the January 29 letter and making acceptable progress in accord with the Corrective Action Plan. The reported reclamation information indicated that 25,535 cubic yards of fill was moved/placed for reclamation. A total of 531 truck trips were made. [comparison: September 48,803 CY and 940 truckloads]*

**CIVIL PENALTY:**

*As previously mentioned, the quarry had challenged DEP’s proposed civil penalty of \$20,370. DEP has subsequently lowered the proposed penalty to \$14,845 based on the information submitted by NHCS and the requirements/guidelines of DEP’s Technical Guidance Document. DEP is waiting for the quarry’s response which is due by the last week of November.*

**Stream Restoration**

*The contractor is expected to begin Consent Order and Agreement related stream restoration work this week.”*

**SUBDIVISIONS/CONDITIONAL USES/LAND DEVELOPMENTS**

*Asplundh Escrow Release – Authorization Voucher #2 – The Township Engineer has reviewed the requested release and has confirmed that the site preparation, erosion and sedimentation controls and storm sewer work has been performed to the extent that \$115,390.50 can be authorized for release.*

**Res. 2016-164 – Upon a motion by Mr. Cosdon, seconded by Ms. Tai, it was unanimously agreed to approve Voucher #2 as recommended by the Township Engineer for the release of \$115,390.50 from the Asplundh Irrevocable Letter of Credit with Bank of America.**

Public Comment – No additional public comments was offered.

Adjournment

**Res. 2016-165 – Upon a motion by Mr. Cosdon, seconded by Mr. Morrissey, the meeting adjourned at 8:30 p.m.**

Respectfully submitted  
Gretchen K. Rice  
Assistant Manager

**2017 SOLEBURY TOWNSHIP MEETING DATES**

**\*All meetings are held at 7:00 P.M.\***

**Board of Supervisors (Tuesdays unless otherwise noted)**

January 3 (Reorganization)  
January 17  
February 7  
February 21  
March 7  
March 21  
April 4  
April 18  
May 2  
May 18 (due to Primary on 16<sup>th</sup>)  
June 20  
July 18  
August 15  
September 5 – Budget Session  
September 19  
October 3 – Budget Session  
October 17  
November 9 - Budget Session (Thursday due to election on 7th)  
November 21  
December 19