

**SOLEBURY TOWNSHIP BOARD OF SUPERVISORS**

**September 20, 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, Asst. Manager 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**

**Res. 2016-128 – Upon a motion by Mr. Searing, seconded by Mr. Morrissey, the list of Bills Payable dated September 15, 2016 was unanimously approved as prepared and posted.**

**Approval of Minutes**

Mr. Searing recommended two revisions both of which were accepted by the Board.

**Res. 2016-129 – Upon a motion by Mr. Searing, seconded by Ms. Tai, the Minutes of September 6, 2016 were approved with revision.**

**Abstaining: Mr. Barrett due to absence from meeting**

**Announcements/Resignations/Appointments**

- The Chair announced executive sessions held on September 6<sup>th</sup> regarding personnel and litigation and another held prior to this meeting regarding personnel, litigation and real estate.

- **Res. 2016-130 – Upon a motion by Mr. Morrissey, seconded by Mr. Barrett, it was unanimously agreed to appoint the following individuals to the Solebury Township Farm Committee:**

**Stephen Phillips for a one (1) year term;  
Brian Smith for a two (2) year term;  
Graham Phillips for a two (2) year term;  
Kaitlin Farbotnik for a three (3) year term;  
Tim Luccaro for a three (3) year term;  
Ron Moule for a three (3) year term;  
Buz Teacher for a three (3) year term.**

- **Res. 2016-131 – Upon a motion by Ms. Tai, seconded by Mr. Cosdon, it was unanimously agreed to appoint the following individuals to the Solebury Township Agricultural Security Area Committee: Supervisor Kevin Morrissey to serve as Chairman, Tim Luccaro, Kaitlin Farbotnik, Graham Phillips and Brent Alderfer to serve as committee members.**

## Supervisor Comment

- Mr. Cosdon, having enjoyed judging the Solebury Day cake and pie contest, thanked the participants involved and offered to again serve as judge for Solebury Day 2017.
- Mr. Searing thanked the Parks & Recreation Director, board members and all the community volunteers and participants involved for an excellent event acknowledging the amount of work that went into making it a successful event.
- Ms. Tai echoed Mr. Searing's comments and thanked the community for coming out and supporting the event.
- Mr. Morrissey, having had a front row seat to event preparations as Liaison to the P&R Board, commented that there was never a doubt that it would run smoothly noting that although the Director had to step and take over the event mid-way through the planning, every detail was addressed and the entire event was well organized resulting in a very successful event.
- Ms. Tai announced the following new policy. *"Previously the public did not have access to draft ordinances or resolutions until after they were discussed at a public meeting. As part of our effort to improve communication with our residents, these documents will be available on the Township website at the same time that the agenda is posted."*

Public Comment – No early public comment was offered.

## PRESENTATIONS

HARB Guidelines and History & Maintenance Manual – Larry Peseski, HARB Chair, presented an overview of HARB's proposal to modify the Design Guidelines. A copy of the presentation is attached to these Minutes.

Major changes proposed include: recognizing the History and Maintenance Manual as equal to the Design Guidelines; combining the Design Guidelines and the History & Maintenance Manual into one document; creation of a Repair & Replacement In-Kind review and approval process; and adding certain items not previously addressed such as solar panels, etc.

Regarding the proposal for a new process to allow for Repair & Replacement In-Kind, the Solicitor stated that if a building permit is required for the work proposed, then by law, such an application must follow the standard process involving full HARB review and recommendation and ultimate issuance of a Certificate of Appropriateness by the Board of Supervisors. If however, a building permit is not required and the repair/replacement does not result in a visible change, then such a repair/replacement in-kind process may be applicable.

Mr. Peseski had previously circulated a draft of the proposed updated guidelines. The Board was generally receptive to the proposed changes. Additional work will need to be done, including review by the Township Solicitor to create a Repair & Replacement In-Kind process and updating the Ordinance establishing the HARB. Board members will provide their suggested edits to Mr. Peseski, who in turn will update the draft document and redistribute for the Board's consideration at a future meeting.

EAC – Bamboo Discussion – Ron Moule, EAC Chair, addressed the Board about safety and environmental concerns associated with bamboo in the Township, providing recommendations, including a draft Ordinance regulating bamboo. Methods to control and/or remove running bamboo were included.

Among the issues discussed by the Board members was the total removal and associated timeline to accomplish total removal of existing bamboo; encroachment onto a neighbor's property and who would bear the responsibility for controlling or removing that bamboo; setbacks to be maintained from road rights of way and property boundaries; challenges that may arise in enforcement; and banning new plantings of bamboo altogether. Also discussed was a possible transition period from time of adoption of an Ordinance to enforcement to allow time to educate Township residents and provide time for properties with existing bamboo to begin to remediate the issue.

The draft Ordinance will be updated based upon the discussion and will be reviewed at a future Board meeting.

#### OLD BUSINESS

New Hope Crushed Stone Quarry Update – Ms. Tai provided the following update:

*"Since the last update provided by Kevin Morrissey on August 16, the following has occurred:*

*On August 26, DEP issued a Compliance Order to New Hope Crushed Stone due to its failure to conduct concurrent reclamation and abatement of the public nuisance to the minimum standards outlined in the Department's January 29, 2016 letter. During the 2<sup>nd</sup> quarter, of the 89,600 cubic yards of backfill material that should have been placed for highwall reclamation, only 12,732 cubic yards were placed (i.e., NHCS completed less than 15% of the work that should have been done).*

*NHCS must submit a corrective action plan to make up the shortfall and to complete reclamation in 3.12 years as stated in the January 29 letter. The plan is due by September 23. DEP is also now requiring NHCS to provide monthly reports on how many truckloads of fill were placed for reclamation during that month. This information should give a more accurate assessment of whether reclamation is on schedule. The first report is due by October 5. DEP District Mining Manager Michael Menghini assured us that if NHCS does not comply, DEP will order them to stop all operations except reclamation.*

*While DEP appears to be taking appropriate action, it's hard to understand how this could have happened when DEP has been conducting weekly inspections since February. The weekly inspection reports make no indication of any concerns. Additionally, the monthly updates have consistently stated that reclamation is on schedule.*

*While this news is very disappointing, it confirms my belief that the board is taking the right actions by closely monitoring the situation, maintaining contact with the DEP and participating in the intervention of NHCS' appeal.*

*Last week, DEP assessed a civil penalty to the quarry for the preliminary amount of \$20,370. Today the quarry notified the DEP that they wish to schedule a meeting to discuss the penalty. The penalty could be reduced if NHCS provides new information concerning culpability, speed and effectiveness of compliance, diligence, unforeseen circumstances, or other factors."*

## NEW BUSINESS

LPC – Acknowledgement of Eligibility – Property #144 – The Land Preservation Committee has recommended the Board acknowledge the eligibility of Property #144 into the Land Preservation Program. The property consists of approximately 16 acres and is adjacent to other preserved property.

**Res. 2016-132 – Upon a motion by Mr. Cosdon, seconded by Mr. Searing, it was unanimously agreed to acknowledge the eligibility of Property #144 for inclusion into the Solebury Township Land Preservation Program.**

North Wales Water Authority – export of groundwater discussion

Mr. Cosdon opened the discussion with the following statement:

*“Nearly 1 year ago, the North Wales Water Authority acquired four water systems along Route 202 in the Township. These included Logan Square, Hermitage, Ingham Mews and Yorkshire Meadows. They have continued operating these systems and have made improvements in them to raise standards.*

*The source of the water is the Aquetong Watershed.*

*Recently, the authority has agreed to supply water to those affected by chemicals used in fire fighting from the now closed Willow Grove Naval Air Station.*

*The possibility exists that water from the watershed could be exported form the Township. We have an Ordinance that prevents prime agricultural soils from being removed, and I would like to have our solicitor research to see if a similar Ordinance could be enacted for water.*

*Currently, Bucks County Water and Sewer, who operates the water system for Fieldstone and North Pointe cannot.”*

The Township Administration and Solicitor are in the process of researching the issue as it relates to the four developments involved to first determine if any provisions or conditions were associated with the systems when originally approved.

2017 Minimum Municipal Obligation Re: Pension Plans - The administration informed the Board of the pension plans’ anticipated financial obligations for 2017. This notification must be provided to the Board no later than the end of September.

**Res. 2016-133 – Upon a motion by Mr. Searing, seconded by Mr. Morrissey, it was unanimously agreed to acknowledge receipt of Solebury Township’s 2017 Minimum Municipal Obligations for the Township Pension Plans as follows:**

**Police Pension Plan - \$385,120**

**Non-Uniform Pension Plan (09-123-5 N1) - \$55,140**

**Non-Uniform Pension Plan (09-123-5 N2) - \$12,440**

Public Works – Authorization to dispose of equipment on Municibid – The administration is seeking approval to dispose of a John Deere Tractor, a Gravely Front Deck Mower and a Lee-Boy Paver.

**Res. 2016-134 – Upon a motion by Mr. Cosdon, seconded by Mr. Barrett, it was unanimously agreed to authorize the Administration to dispose of the following equipment through Municibid:**

- 1. 1979 John Deere diesel 850 tractor w/3 PT hitch mower - Serial #08505 006523CH;**
- 2. 1980 Gravely 60" front deck mower - Serial #47510;**
- 3. 1980 Lee-Boy Paver – Serial #484.**

**SUBDIVISIONS/LAND DEVELOPMENTS/CONDITIONAL USES – No applications were reviewed.**

**Public Comment – No additional public comment was offered.**

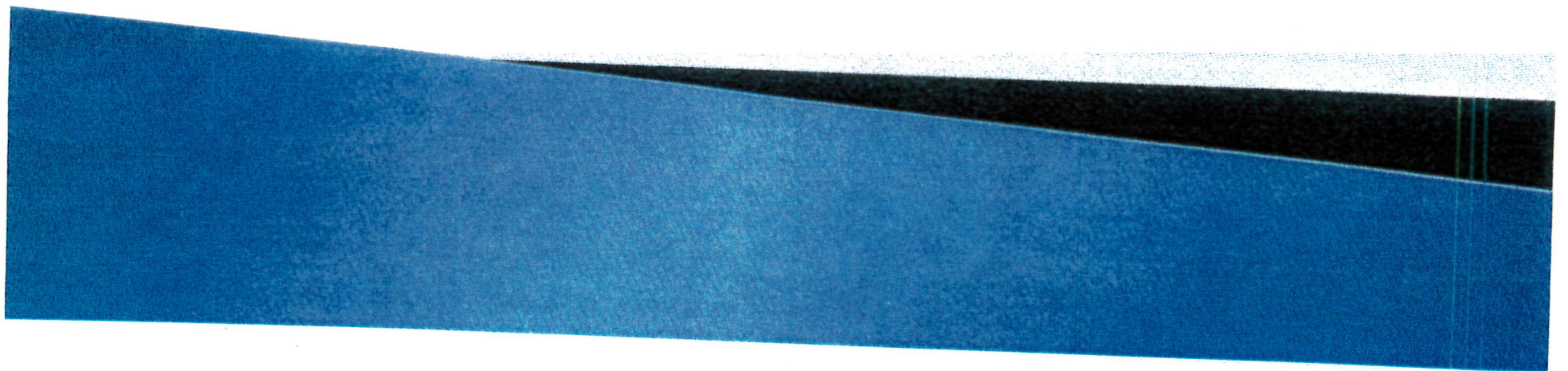
**Adjournment**

**Res. 2016-135 – Upon a motion by Mr. Cosdon, seconded by Mr. Barrett, the meeting adjourned at 9:20 p.m.**

Respectfully submitted  
Gretchen K. Rice  
Assistant Manager

# Historic Architectural Review Board

*Proposal to modify reference guidelines*



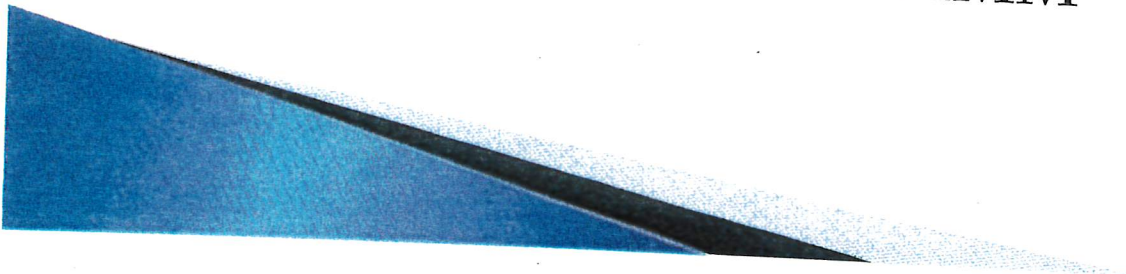
# What we do

- ▶ The HARB's main responsibility is the review of all proposals for new construction and all changes to the exteriors of buildings located in the appointed historic districts, presently Carversville and Phillips Mill.
- ▶ *HARB reviews this work to protect the architectural and historical character that makes these districts unique*





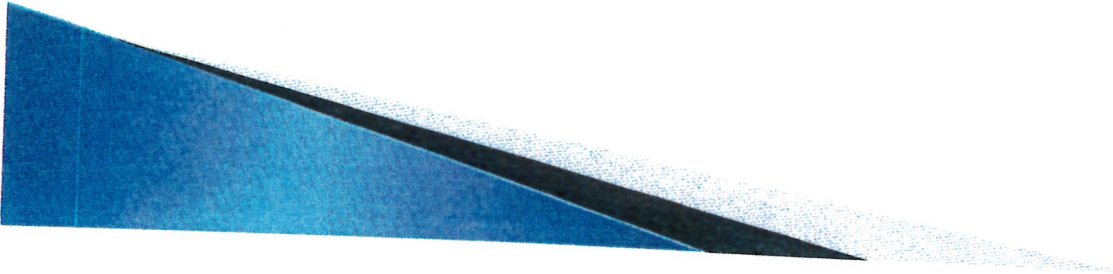
# Proposed Changes

- ▶ *Recognize* "History and Maintenance Manual" (HMM) as equivalent to the "Historic District Design Guidelines"
  - ▶ *Combine Design Guidelines & HMM* as a two part reference document for Owners and the HARB
  - ▶ *Approve & Adopt* "Repair & Replacement In-Kind" process
  - ▶ *Accept* numerous proposed changes to current Design Guidelines and HMM
- 



# Current HARB Members

*in order of service time*

- ▶ Mark Baum Baicker
  - ▶ Matt Wojacyk - *Zoning officer, non voting*
  - ▶ Patrick Pastella
  - ▶ Scott Minnucci –
  - ▶ Nancy Ruddie – *Vice Chair*
  - ▶ Margaret Newman
  - ▶ Larry Peseski – *Chair, Real Estate Broker*
  - ▶ Open Seat – *Architect*
- 
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# Solution -

## *Accept, Merge, Publish and Post*

- ▶ Legally accept the HMM as guidelines – *eliminate question of its legitimacy, support HARB recommendations*
- ▶ Merge with the Historic District Design Guidelines – *create large repository of guideline standards and recommendations for maintenance and preservation*
- ▶ Place the combined reference manual on the Web Site – *facilitate understanding of application process and provide property owners with a complete reference manual for ideal maintenance and preservation*



## *Items One and Two– Legitimize the “History and Maintenance Manual (HMM)”*

- ▶ Currently, the HARB, primarily uses the Historic District Design Guidelines for reference standards to determine appropriateness of work proposed. The HMM is equally used due to its expanded subject content – but has never been legally acknowledged. *Standards guide board members, reduce subjectivity and foster consistency*
- ▶ Owners mostly do not use the HMM – it is not presented or included as part of the review process, not even available on the Web Site. *The HMM was created to guide owners to make informed decisions about correct maintenance and responsible preservation. Currently mostly only serves the HARB*





## *Solution –*

### *Adopt a Repair & Replacement “In-Kind” procedure*

- ▶ HARB's goal is to promote actions that will foster the aesthetic values of the community. *By making the approval process simple, we encourage maintenance and preservation*
- ▶ Property owners have been asking us for simplified procedures. *This township friendly approach will enlist compliance*



## *Item three – Repair & Replacement “In-Kind” procedure*

- ▶ Owners with needs to make minor repairs or replace damaged elements on buildings or structures are subjected to an extended application process. *Takes too much time. Highly discourages preventative maintenance*
- ▶ *Example* – Tree falls on fence, owner wants to repair fence exactly like it was. *Why should this take months to get permission to repair?*
- ▶ *Example* - Owner has white house which needs to be repainted. Wants to paint it the same color white. *Why deploy township resources, involve advisors and hold public meetings to say OK, as it would likely be approved*

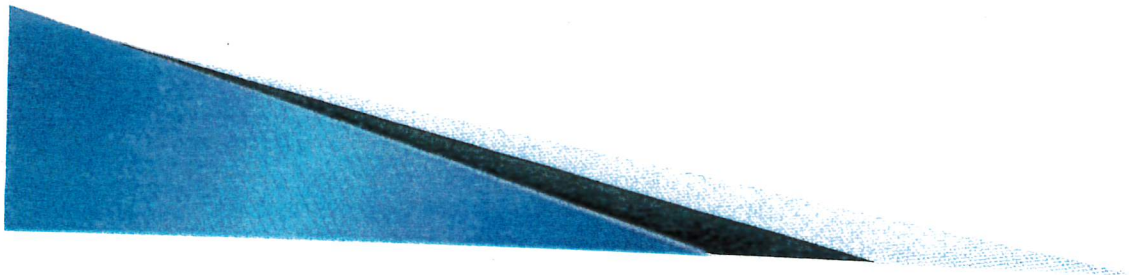


Item four-

## *Changes to Design Guidelines and HMM*

- ▶ Include and expand standards for Solar panels, Fuel tanks , Generators, Deer fencing, Window Survey's, etc.

*No changes have been made since 2008.*






## *Solution -*

### *Adopt a Repair & Replacement “In-Kind” procedure*

- ▶ The primary charter of the HARB is to protect the distinctive historical character of our Historic Districts, which is best accomplished with property owner compliance.

*We need to support owners of properties in our Historic Districts by providing a fast-track approval process, without compromising our standards for appropriateness. Their ultimate compliance and the spirit and execution of their efforts is the desired legacy for best preservation practices.*



Finally, the HARB greatly appreciates  
the opportunity to serve as an  
advisory committee to the  
Supervisors.

*We appreciate your continued support*  
HARB 2016



## Solution –

### *Approve proposed additions*

- ▶ For HARB to protect the distinctive historical character of our historic districts and to regulate the erection, reconstruction, alteration, restoration, demolition or razing of buildings within the historic districts, we need guidelines and to establish standards.

*These guidelines and standards need to be routinely reviewed and updated and modified as appropriate, HEREFORWARD!*

