

SOLEBURY TOWNSHIP BOARD OF SUPERVISORS
December 13, 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, Township Manager and Paul Cohen, Esquire, were also in attendance.

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

Approval of Bills Payable

Res. 2016-166 – Upon a motion by Mr. Barrett, seconded by Mr. Cosdon, the list of Bills Payable dated December 8, 2016 was unanimously approved as prepared and posted.

Approval of Minutes

Mr. Searing requested revision to pages 2 and 3 of the draft Minutes.

Res. 2016-167 – Upon a motion by Mr. Searing, seconded by Ms. Tai, the Minutes of November 15, 2016 were unanimously approved with revision.

Announcements/Resignations/Appointments

- The Chair announced an executive session held prior to the meeting related to personnel.

Supervisor Comment:

Ms. Tai made the following comment:

I would like to thank the board for the honor and privilege of serving as their chair for 2016. We've had a very productive year. Since this was a team effort, I've asked the board to help me share a summary of our key accomplishments.

Mr. Searing commented on progress made on some of the 2016 priorities as follows:

1. *Develop plan for appropriate regulation of fracking*
 - a. *The board hired two zoning and geology consultants to provide an environmental assessment and recommendation on how the township could best protect itself from the negative impacts of gas & oil drilling. Stay tuned for a presentation of the results in January, which will allow the township to make an informed decision on how best to proceed.*
2. *Complete the ecological restoration plan for Aquetong Springs Park*
 - a. *The township was awarded a \$250,000 grant from the Pennsylvania Department of Conservation which may be used to help restore the stream bank and meadows, construct pedestrian paths and parking access, and create educational signage, ADA access, deer protection and other site improvements.*

- b. *Consultants from Princeton Hydro are currently conducting an environmental assessment and will be making a recommendation on how best to restore the Aquetong creek, former lake and the surrounding areas. The first priority is to preserve the water quality of the spring and the surrounding cold water habitat and then create trails and an outdoor resource for our community.*
 - c. *The township also received a grant to plant 200 trees, which through a community effort was completed in November.*
- 3. *Continue the township's land preservation program, focusing on farmland preservation*
 - a. *To date, the township has preserved 72 properties, totaling 3,355.53 acres and 10 overlay easements for another 379.93 acres. Additionally, another 1982 acres are owned or conserved by Heritage Conservancy and Natural Lands Trust.*
 - b. *The Township has not closed on any properties in 2016 but the LPC continues to identify appropriate properties for preservation. We currently have 4 active properties in process, one of which is on the agenda for approval tonight.*

Mr. Morrissey offered the following comments:

- a. *We established a Farm Committee and renewed the Agricultural Security Area Committee to help promote sustainable farming in the township. Interest was so strong for the Farm committee that 11 people applied for seven positions. The Farm committee and Agricultural Security Area Committee have already started their work, and we look forward to their findings and recommendations.*
- 4. *Improve Township-Community Communications*
 - a. *Residents may now contact any supervisor directly via public email addresses.*
 - b. *Residents are much better informed of township happenings as we are now sending out emails for various topics including supervisor meeting agendas and minutes, community news and other announcements such as the fall budgeting process, advisory committee openings, and the new bamboo ordinance. If you haven't signed up, please do so at the township website.*
 - c. *Proposed ordinances are now available online at the same time as meeting agendas are published.*

Ms. Tai made the following additional comments:

- 1. *Through the Permitting Process Improvement Project, we have identified several areas for improvement. We have been making steady progress in implementing improvements, with several more in the works. We plan to have an update early next year.*
- 2. *Strategy for New Hope Crushed Stone*
 - a. *Through extensive work and partnership with Solebury School and Primrose Creek Watershed Association and cooperation with the Department of Environmental Protection, reclamation of the quarry has begun, water has risen in the pit to -85 MSL and is continuing on progress for completion in 2019. Restoration of Primrose Creek is also in progress.*
 - b. *We have significantly increased and improved our working relationship with DEP, including a monthly information sharing meeting and all documents posted on a public website.*
- 3. *Address deer overpopulation issue*

- a. *Through the efforts of the Environmental Advisory Council (EAC) and township administration, we are making significant inroads into the deer overpopulation issue.*
- b. *The PA Game Commission is planning to establish new policies to help communities with significant deer overpopulation. As a stop-gap measure, the Game Commission has granted 500 doe licenses to Solebury for this hunting season. Of the 500 licenses, 230 have been distributed and 200 deer have been taken to date.*
- c. *For the township hunting program, we have increased the number of enrolled properties from 10 to 39, thereby increasing the total acreage available for hunting from 300 to 1,109.*
- d. *The EAC is here tonight to make a recommendation on next steps*

Mr. Cosdon offered the following:

1. *We completed construction of the public works building and started construction of the new salt building. Conversion of the old public works building into police locker rooms and demolition of the old storage building are planned for 2017.*
2. *After extensive research on the damaging environmental and safety effects of bamboo, the board enacted an ordinance regulating the growth of bamboo in the township*
3. *Construction of the trail connecting Route 32 to North Pointe went out to bid on Dec 12th and notice to proceed will be in January 2017*
4. *We've made significant progress in getting our ordinances prepared to be put online. We anticipate doing so by 1st or 2nd quarter of 2017.*
5. *We continue to repair, maintain or rebuild our roads and bridges including the bridges on Comfort road and Sawmill Road as well as paving numerous roads using about 3800 tons of blacktop and repairs on 9300 Square yards of roadway.*
6. *We completed installation of ARLE (smart traffic lights) on Route 202, and will continue to modify the timing to optimize the traffic movement.*

Mr. Barrett added the following:

1. *HARB drafted updated guidelines including a streamline process for in-Kind Repair and Replacement as well as many other updates. The board agreed conceptually to the changes and the details are now being worked out.*
2. *In addition, we:*
 - a. *Hired our first female police officer*
 - b. *Established a joint committee of New Hope Borough Council, Solebury Supervisors, New Hope-Solebury School Board & superintendent to improve communications and share ideas/resources between the three entities*
 - c. *Have given supervisors the option to receive meeting packets electronically, reducing paper and toner consumption*
 - d. *Established a policy to utilize alternative herbicides on township roads*
 - e. *Passed a resolution urging state and federal lawmakers to enact laws to reduce gun violence*
 - f. *Issued a statement of inclusion condemning acts of hate and stating unequivocally that Solebury Township is a community of respect, caring and inclusion.*

Ms. Tai closed the Supervisor Comment period with the following statement:

These considerable accomplishments were only possible through the efforts of many, many people, including my fellow supervisors, resident volunteers on the township's advisory boards and otherwise, our township consultants, township administration, public works department and police department. Please join me in thanking each and every person who has helped Keep the Soul in Solebury.

Commenting on a different issue, Mr. Cosdon stated that two weeks ago, Kevin and he attended a meeting pertaining to the enlargement of the Phillips-Barber Center in Lambertville managed by the Hunterdon Health Center of Flemington.

The meeting was led by Robert Wise, CEO of Hunterdon Health, who stated that they are going to increase the size of the current facility from 18,000 sq. ft. to over 38,000 sq. ft., and they are trying to gauge interest of its use by residents of both New Hope and Solebury.

Prior to the meeting Mr. Cosdon called Charles Pressler of the Central Bucks Emergency Services to question their possible use of this facility. Mr. Pressler stated that unless they were a "hospital" with emergency room facilities, Central Bucks could not transport anyone to that facility. Mr. Cosdon noted that he also placed a call to the Lambertville-New Hope Squad but did not receive a return call. During the meeting with Mr. Wise, Mr. Cosdon asked if there would be emergency services or beds and was told there would not be.

Another problem that could present itself is the participation of health care providers in their systems who are not included in our residents' health care plans.

After the meeting, Mr. Cosdon discussed the issue with several residents and also employees of the Township. Most said they had not used the current facility because of insurance reasons. But there was one individual who was quite happy with the service provided. Mr. Cosdon noted that HIPPA regulations would not allow him to reveal the name of the individual.

Mr. Cosdon closed by saying that potentially, the facility would be of little use to our residents. However, if you became ill over the weekend and your doctor could not see you, you could avoid an emergency room visit by seeing one of their on-staff doctors, or you could utilize the service of a CVS Minute Clinic which many insurance companies are now endorsing.

- Mr. Cosdon again urged residents to sign up for the emergency services provided by the Central Bucks, noting that a friend had occasion to need their services twice in the past month and there was no additional charge to his friend because they had previously joined.
- Mr. Cosdon noted that normally the Board would hear from Ron Ewer, a Solebury resident who routinely attends all Board meetings. This year however, Mr. Ewer needed emergency services himself while performing emergency work as part of the Midway Fire Company. Mr. Cosdon wished Mr. Ewer a speedy recovery and hopes to see him back in the audience soon.

Public Comment

- Bob Dorsam of Canal Walk addressed the Board regarding hunting on Magill's Hill and the Canal Park properties.
- Mr. Dorsam also addressed the Board concerning the time allowance for residents to cut and/or remove bamboo before enforcement begins.

PUBLIC HEARING – Intergovernmental Agreement with Buckingham – The hearing on this matter was tabled to the January 17, 2017 meeting.

PRESENTATION – Steve Wiesner Report – Mr. Wiesner presented his findings in his analysis of the permit department revenue and expenses. The report shows \$139,859 more in expenses than in revenues as of November 30, 2016.

Mr. Searing asked Mr. Wiesner if he had any recommendations to increase fees to close the gap. Mr. Cosdon noted that the largest deficits were when the Township had a dedicated building inspector on staff.

Ms. Tai stated that the Township had received positive feedback on hiring a full time building inspector. She also wanted to ensure that the permit fees being imposed are not out of line.

Mr. Morrissey commented on the small number of new home building permits versus permits for existing home renovations.

Following discussion the Board authorized Mr. Wiesner and Township administration to review the permitting costs and return with a recommendation that would reduce the deficit by approximately \$30,000 to \$40,000.

2017 Budget Adoption & Tax Levy – The proposed 2017 Budget had been advertised as required.

Res. 2016-168 – Upon a motion by Mr. Searing, seconded by Mr. Cosdon, it was unanimously agreed to adopt the 2017 Budget as advertised.

Res. 2016-169 – Upon a motion by Mr. Searing, seconded by Mr. Cosdon, it was unanimously agreed to adopt a Resolution of the Board of Supervisors of Solebury Township, Bucks County, Pennsylvania, fixing the Tax Levy Rates for the Year 2017 as follows: General Fund Tax 7.875 mils; Fire Tax Fund 1.75 mils; Library Fund Tax .4047 mils; Debt Service Fund tax 12.2803 mils, for a total of 22.31 mils.

NEW BUSINESS

LPC – Property #145 – The Land Preservation Committee has recommended the Board acknowledge the eligibility for Property #145 into the preservation program. The property consists of 14 acres on Chapel Road and is adjacent to other preserved properties.

Res. 2016-170 – Upon a motion by Mr. Cosdon, seconded by Mr. Searing, it was unanimously agreed to acknowledge the eligibility of Property #145 in to the Solebury Township Land Preservation Program as recommended.

ZHB – West End Farm – The Board reviewed the application submitted to the Zoning Hearing Board for a use variance to allow for a restaurant and distillery use in the RB Zoning District.

Mike Elser of Canal Walk submitted a letter in opposition to the application signed by a number of Canal Walk residents, citing concerns with traffic, noise, light pollution, odor pollution, water utilization, well security and potential expansion of the restaurant and distillery use if the use variance is granted. A copy of the letter is attached to these Minutes.

Maria Krupp of Phillips Mill Road expressed concerns regarding traffic and access to the site.

Bob Dorsam of Canal Walk questioned the process to be used to oppose the application.

Michael Polios expressed his support of the application and commented on his past experiences regarding manure at West End Farm and derelict buildings on the site.

Scott Kelley questioned procedures opining that the process is not conducive to development.

Resident Blake Parry questioned if approval by the ZHB sets a precedent for other development in the area.

Res. 2016-171 – Upon a motion by Mr. Cosdon, seconded by Mr. Barrett, it was unanimously agreed to authorize the Township Solicitor to attend the Zoning Hearing Board hearings to oppose the use variance application of West End Farm for a restaurant and distillery at the site.

Deer Committee – Ron Moule and Eric Allen addressed the Board and provided a handout dated Dec. 13th containing a recommendation from the EAC to form a Deer Management Committee. Discussion included whether or not there was a need for another formal committee, the meetings and oversight required, etc. Mr. Searing presented the Board with a flow-chart showing the numerous advisory committees that already report to the Board and questioned the need to establish another formal advisory committee.

Following additional discussion the recommendation to form a new Deer Management Committee was withdrawn and it was agreed that the EAC would continue to work on deer management, with input from residents and others as needed.

Bucks County Open Space Funds – In an effort to utilize the remainder of the Municipal Open Space Fund allocated to Solebury Township by Bucks County, the administration has recommended an application be submitted for a new multi-use playing field at Laurel Park.

Ms. Tai commented that the Board was applying for these funds as they are expiring at the end of the year, but that the Board has not yet decided to construct an additional playing field. A decision on whether to construct an additional playing field is pending, in part, on a presentation from the Park and Recreation Board demonstrating the need.

Res. 2016-172 – Upon a motion by Mr. Morrissey, seconded by Mr. Barrett, it was unanimously agreed to authorize the appropriate Township officials to execute the Bucks County Municipal Open Space Program Application Resolution as prepared.

HARB – Steven Young, 3592 Aquetong Road, TMP 41-002-090 – The Historical Architectural Review Board has reviewed the application and recommended a Certificate of Appropriateness be issued.

Res. 2016-173 – Upon a motion by Ms. Tai, seconded by Mr. Barrett, it was unanimously agreed to issue a Certificate of Appropriateness to TMP 41-002-090 as recommended by the Historical Architectural Review Board. Issuance of this Certificate of Appropriateness does not relieve the applicant from obtaining any and all applicable permits prior to commencement of work.

HARB – William Lynch, 6071 Carversville Road, TMP 41-002-002-001 – The Historical Architectural Review Board has reviewed the application and recommended a Certificate of Appropriateness be issued.

Res. 2016-174 – Upon a motion by Mr. Barrett, seconded by Mr. Searing, it was unanimously agreed to issue a Certificate of Appropriateness to TMP 41-002-002-001 as recommended by the Historical Architectural Review Board. Issuance of this Certificate of Appropriateness does not relieve the applicant from obtaining any and all applicable permits prior to commencement of work.

HARB – Virginia & Stanley Hall, 3791 Aquetong Road, TMP 41-004-029 – The Historical Architectural Review Board has reviewed the application and recommended a Certificate of Appropriateness be issued.

Res. 2016-175 – Upon a motion by Ms. Tai, seconded by Mr. Barrett, it was unanimously agreed to issue a Certificate of Appropriateness to TMP 41-004-029 as recommended by the Historical Architectural Review Board. Issuance of this Certificate of Appropriateness does not relieve the applicant from obtaining any and all applicable permits prior to commencement of work.

OLD BUSINESS – New Hope Crushed Stone Quarry – Ms. Tai updated the Board and audience on this topic as follows:

- *Reclamation and stream restoration are required to be completed by March 2019;*
 - *Reclamation is currently behind schedule. A Corrective Action Plan is in place, but is under review by DEP for improvement. DEP expects the quarry to be caught up with its shortfall within 4-6 months.*
 - *For November,*
 - *5 days on reclamation; 13 on stream; 2 lost to inclement weather.*
 - *367 truck trips were made with 19,582 cubic yards of overburden being placed; total placed to date is 118,416 cubic yards.*
 - *As of November 30, 19.1% of the total reclamation material has been moved.*
 - *Pit area water remains at the -85 MSL level. Drought conditions for the area have come into play.*
 - *Stream work included stream wall hole preparation and repair, tree removal, material staging, and fence moving.*
- *The Consent Assessment of Civil Penalty was executed with NHCS and a \$14,845 penalty was collected by DEP.*
- *The EHB hearing for NHCS' appeal of DEP's January 29 letter is scheduled for March 20, 2017.*

SUBDIVISIONS/LAND DEVELOPMENTS/CONDITIONAL USES – No application were reviewed.

Public Comment – No additional public comment was offered.

Adjournment

Res. 2016-176 – Upon a motion by Mr. Cosdon, seconded by Mr. Searing, the meeting was adjourned at 9:30 p.m.

Respectfully submitted
Dennis H. Carney, Manager

RESOLUTION NO 2016 - 169
A RESOLUTION OF THE BOARD OF SUPERVISORS OF SOLEBURY TOWNSHIP,
BUCKS COUNTY, PENNSYLVANIA, FIXING THE TAX LEVY RATES FOR THE
YEAR 2017

Res. 2016 - 169 Upon a motion by Mr. Searing, seconded by Mr. Cosdon, it was unanimously agreed to set the 2017 tax levy as follows: General Fund Tax 7.875 mils; Fire Tax Fund 1.75 mils; Library Fund Tax .4047 mils; Debt Service Fund Tax 12.2803 mils, for a total of 22.31 mils.

Voting in Favor: Ms. Tai, Mr. Searing, Mr. Barrett, Mr. Cosdon, Mr. Morrissey
Opposed: None
Abstaining: None
December 13, 2016

Gretchen K. Rice
Assistant Manager
Secretary/Treasurer

December 12, 2016

Dear Solebury Township Supervisors and Zoning Board members,

We, the undersigned residents of the Phillips Mill area of Solebury Township, are submitting this letter in response to the proposed conversion of the West End farm property to a restaurant and distillery by the Cretella organization / Landmark Properties. We understand that the situation with the property and its current owners is challenging, and commend the Cretella organization for its interest in renovating the property and for reaching out to the local community for input. However, we believe that the proposal as submitted will change the nature of the historic district and surrounding properties in unacceptable and irrecoverable ways.

Our concerns are rooted in impact of the proposed development on environmental resources and the negative impact of the noise, lights, odors, and traffic on our quiet residential neighborhoods. As such we strongly recommend that the Supervisors and Zoning board deny the requested zoning variance. Some of our concerns are outlined below:

Traffic: The farm is located at an area of River Rd. that has been an ongoing area of traffic concern due to the sharp turn at the mill, the limited visibility around the bend leaving the farm towards the toll bridge, and the propensity for drivers to accelerate before entering and while leaving New Hope. The significant increase in traffic due to the project create risks for all area drivers and particularly the residents of Phillips Mill and Canal Walk neighborhoods. It is even more troubling when combined with the increases due to the Hotel du Village in the same area.

Noise, Light and Odor Pollution: As we have experienced with the new Hotel du Village, a restaurant creates significant noise and light pollution. Customers, employees, delivery and refuse removal personnel all contribute. Each may be minor individually but in combination and in a residential area have an impact that is difficult to eliminate or ignore. HVAC systems sized appropriately for the volume of the facility will be large and likely loud. Similarly, the distillery will create both odors and refuse during and after the mash process that may be considered unpleasant due to proximity and repetition (for example: drive by the Budweiser plant near Newark airport during their brewing operation). While the Cretella team has suggested approaches that may minimize the impact, none of those proposals are explicitly included in the submission package nor formally documented in any other way.

Water utilization and well security: Next is our concern about the amount of water to be used and the protection of our wells. Water utilization estimates from the Cretella organization have ranged from the equivalent of 3 to 8 homes. We have been told that engineering teams have tested the water supply capacity and there is 'plenty of supply'. It is not clear how the requirement estimates were developed nor how the capacity was tested. Similarly, the large volume of effluent created by both the restaurant and distillery will be stored or processed in close proximity to our own wells. All these issues raise major concerns in an area where wells are drilled deep to find stable, safe supply and are already challenged by the New Hope Crushed stone quarry and upstream pollution from historic oil spills.

Future plans from the Cretella organization / Landmark properties: Finally, we are concerned that this requested variance may be just the first of many more to come in the future. Today's proposal has no outdoor seating and an open space buffer to the property line, but as we have seen in many other circumstances it is difficult if not impossible to prevent the continued expansion of the scale and scope of a business once in place. With the approval of the requested variance we foresee an evolution that increasingly negatively impacts the nature and quality of life in the surrounding area.

Please help us protect our environment and the community qualities that initially brought us to Solebury township by denying the variance. Thank you very much for your support of our request.

Regards,

The Phillips Mill and Canal Walk neighbors

Mehmet - Sheila Eber
5 Towpath Way
Graf and Corrine Ridder
3 Millstone Ct

Don Poppe
8 Towpath Way

Joseph Myzyl
8 Towpath Way

Ravi & Lakshmi Desiraju
9 Towpath Way

Vicki Sarnoff
33 Towpath Way

Jack & Carla McGarry
6 Towpath Way

John Cotton / Dave Norin
1 Towpath Way
Suey + David Child
Bob + Gabi Sansam

Bucks County Municipal Open Space Program

APPLICATION RESOLUTION

Solebury Township, Bucks County, Pennsylvania

WHEREAS, the Board of Supervisors of the Township of Solebury recognizes that the Township contains open space and natural areas that contribute to the quality of life and economic health of our community which are worthy of preservation; and

WHEREAS, funding of the Municipal Open Space Program, an initiative of the Commissioners through a referendum was overwhelmingly passed by Buck County Voters on November 6, 2007; and

WHEREAS, the program provides for grants that may be used by the municipality to acquire land to protect natural areas, preserve agriculture, or provide park areas; and

WHEREAS, the Township of Solebury, Bucks County, Pennsylvania wishes to participate in the Municipal Open Space Program; and

WHEREAS, the municipality will have available the necessary funds to complete the project which are in excess of the required 25% match,

NOW, THEREFORE, BE IT RESOLVED by the governing body of the Township of Solebury, Bucks County, Pennsylvania, as follows:

1 That the Township of Solebury, Bucks County, Pennsylvania hereby approves the filing of an application for funds under the Municipal Open Space Program for the improvement project located at 3092 N. Sугan Road in the Township and identified as TMP No. 41-013-062-001.

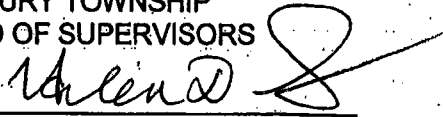
2 That Dennis H. Carney, Township Manager, is hereby authorized and directed to execute and file the appropriate forms with the Bucks County Open Space Board.

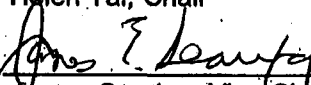
This Resolution has been duly prepared and adopted by the Governing Body of the Township of Solebury in public meeting held this 13th day of December, 2016.


ATTEST:



Gretchen Rice, Secretary

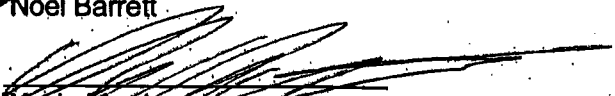
SOLEBURY TOWNSHIP
BOARD OF SUPERVISORS

By: 
Helen Tai, Chair

By: 
James Seating, Vice Chair

By: 
Paul Cosdon

By: 
Noel Barrett

By: 
Kevin Morrissey