

SOLEBURY TOWNSHIP BOARD OF SUPERVISORS

November 17, 2015 – 7:00 P.M.

Solebury Township Hall

MINUTES

Attendance: Paul Cosdon, Chair, James Searing, Vice-chair, Robert Heath, Jr., Edward McGahan, Jr. and Helen Tai. Dennis H. Carney, Township Manager, Michele Blood, Finance Director and Jonathan J. Reiss, Solicitor were also present.

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

Approval of Bills Payable

Res. 2015-147 – Upon a motion by Mr. Searing, seconded by Mr. Heath, the list of Bills Payable dated November 12, 2015 was unanimously approved as prepared and posted.

Approval of Minutes

Ms. Tai requested additional language be added to the second paragraph on the third page to indicate that all maps and information would be forwarded to the prospective consultants.

Res. 2015-148 – Upon a motion by Ms. Tai, seconded by Mr. McGahan, the Minutes of November 5, 2015 were unanimously approved with revision as noted.

Announcements/Resignations/Appointments

- The Board announced an executive session held prior to the meeting regarding litigation and personnel.

Public Comment

- Township resident Jay Siano thanked outgoing Supervisor Bob Heath for his years of service to Solebury Township and expressed his support for Township Manager Dennis Carney.
- Township Resident Ronald Norton addressed the Board regarding his earlier Right to Know Requests and his appeal of a denial relating to building permits issued during the 1980s.

Supervisor Comment

- The Chair noted a number of openings on the Township's various advisory committees and while the Township has received a number of resumes from residents interested in serving, the Board would encourage more residents to submit letters of interest.
- Ms. Tai mentioned that the Township has a vacancy on the Historical Architectural Review Board for a licensed architect.

PRESENTATIONS

Police Department Accreditation – William J. Kelly, Abington Township Police Chief and Vice Chairman of the Pennsylvania Law Enforcement Accreditation Commission was introduced.

Chief Kelly commented that of the 1,117 departments in Pennsylvania, roughly 300 have applied for accreditation and only 104 departments have been successful in obtaining the designation. As of September 23, 2015, the Solebury Township Police Department has voluntarily complied with all requirements and has been issued a "Certificate of Law Enforcement Accreditation". The Accreditation runs for a term of three years from issuance. Chief Kelly presented Chief Bellizzie with a plaque and specifically recognized the significance of this accomplishment especially given the size of the Department.

Chief Bellizzie introduced Jonathan Koretzky as the new Solebury Township Detective and officer Matthew Rice as the Department's newest Patrolman.

Solebury School Presentation – Robert Heath, Jr. had provided the Secretary with a Conflict of Interest Disclosure regarding discussions and actions involved with the New Hope Crushed Stone Quarry, therefore he would not participate in discussion or action on this topic. Copy of the form is attached to these Minutes.

Thomas G. Wilschutz, Head of School, and Steven T. Miano, counsel for Solebury School addressed the Board concerning the New Hope Crushed Stone Quarry (NHCS) and provided a power point presentation on the background of the issues, including but not limited to the outcome of the 2014 trial, four "Timelines of Inaction" by NHCS. A copy of the presentation is attached to these Minutes.

Following the presentation a discussion ensued regarding among other issues, blasting, bonding and financial difficulties and quantity of business being conducted and length of time necessary to reclaim the mine.

Mr. Wilschutz emphasized that Solebury School needs more voices in support of its position and requested support for Solebury School by way of a letter or Resolution in support of Solebury School or the filing of a Motion to Intervene.

The Board and counsel discussed the meaning of a Motion to Intervene should the Board elect to file one including financial considerations and timeline involved.

John Francis of Phillips Mill Road suggested the Township assist residents with writing letters in support of Solebury School's position.

Dennis Mankin of River Road expressed disappointment that costs of litigation would even be considered noting that the health and safety of residents is the primary issue.

Peter Grover of Phillips Mill Road commented that he and his wife have been waiting for 50 years for the quarry to do the right thing and encouraged the Board to take action quickly while there is momentum for change.

Res. 2015-149 – Upon a motion by Mr. Cosdon, seconded by Mr. McGahan, it was agreed to write a letter supporting the position of Solebury School to DEP regarding the extensions, bonding levels, and the continuation of the public nuisance.

Abstaining: Robert Heath, Jr.

OLD BUSINESS

Clymer Conditional Use – Adjudication – The Township Solicitor noted that the Board had previously approved the Clymer Conditional Use and no formal action was required at this time.

NEW BUSINESS

2016 Board of Supervisors – Proposed Meeting Dates – The Board reviewed the proposed dates and determined that the meeting to be held in December should be revised to December 13th to avoid conflict with holiday schedules.

Res. 2015-150 – Upon a motion by Mr. Searing, seconded by Ms. Tai, the following list of meeting dates in 2016 for the Board of Supervisors was unanimously approved and authorized for advertising:

Board of Supervisors – 7:00 P.M. (Tuesdays unless otherwise noted)

January 4 (Monday – Reorganization)

January 19

February 2

February 16

March 1

March 15

April 5

April 19

May 5 (Thursday due to election)

May 17

June 21

July 19

August 16

September 6 – Budget Session

September 20

October 4 – Budget Session

October 18

November 3 (Thursday due to election)

November 15

December 13

Disposal of Police Radios – The administration requested authorization to dispose of certain police radios, speakers and mics, batteries and battery chargers.

Res. 2015-151 – Upon a motion by Mr. Searing seconded by Mr. McGahan, it was unanimously agreed to authorize the disposal of the following equipment by Municibid auction:

11 – Motorola Astro mobile radios, speakers and mics included

16 – Motorola Astro XTS 3000 portable radios

15 – Motorola NMN6193C Remote Speaker Mics

6 – Motorola NTN8831A Rapid Battery Chargers

30 – Motorola XTS 3000 batteries

Disposal of Clean Fill – This agenda item was tabled.

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

Public Comment – No additional public comment was offered.

Adjournment

Res. 2015-152 – Upon a motion by Mr. Cosdon, seconded by Mr. Heath, the meeting adjourned at 8:50 p.m.

Dennis H. Carney
Township Manager

UPDATE ON NEW HOPE CRUSHED STONE QUARRY ISSUES

MEETING OF THE BOARD OF SUPERVISORS OF SOLEBURY
TOWNSHIP
NOVEMBER 17, 2015

Thomas G. Wilschutz
Head of School
Solebury School

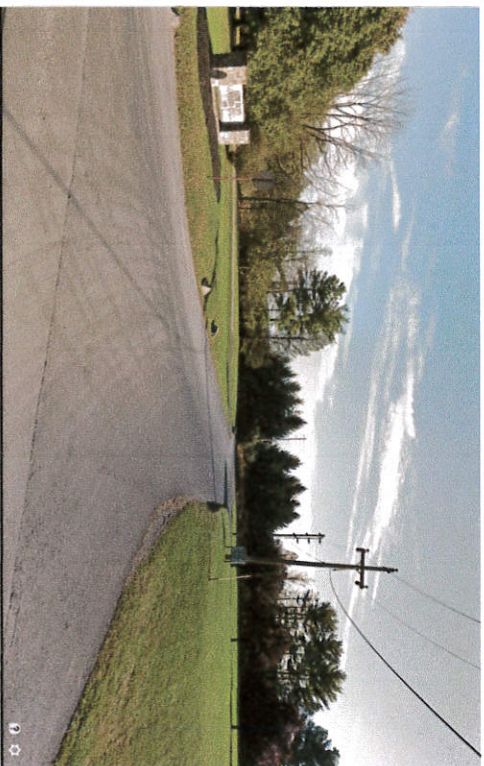
Steven T. Miano
Hangley Aronchick Segal Pudlin & Schiller
Counsel for Solebury School

Overview

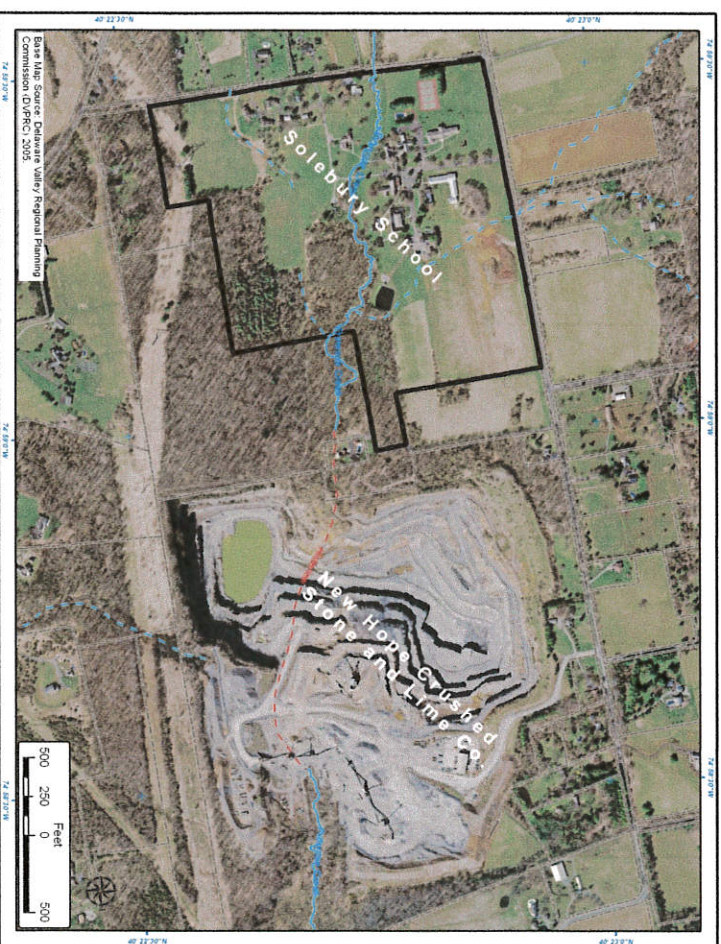
- Since 2009, Solebury School has actively and vocally opposed the issuance of New Hope Crushed Stone's depth correction mining permit on the basis that it posed a safety risk for our community.
- The EHB rescinded that permit over a year ago and acknowledged that the cessation of mining to lower depths (and return of the water table) will promote the protection of public safety, health and welfare of our entire community.
- NHCS is now appealing an order from DEP requiring it to revise its permits to comply with the EHB's opinion.

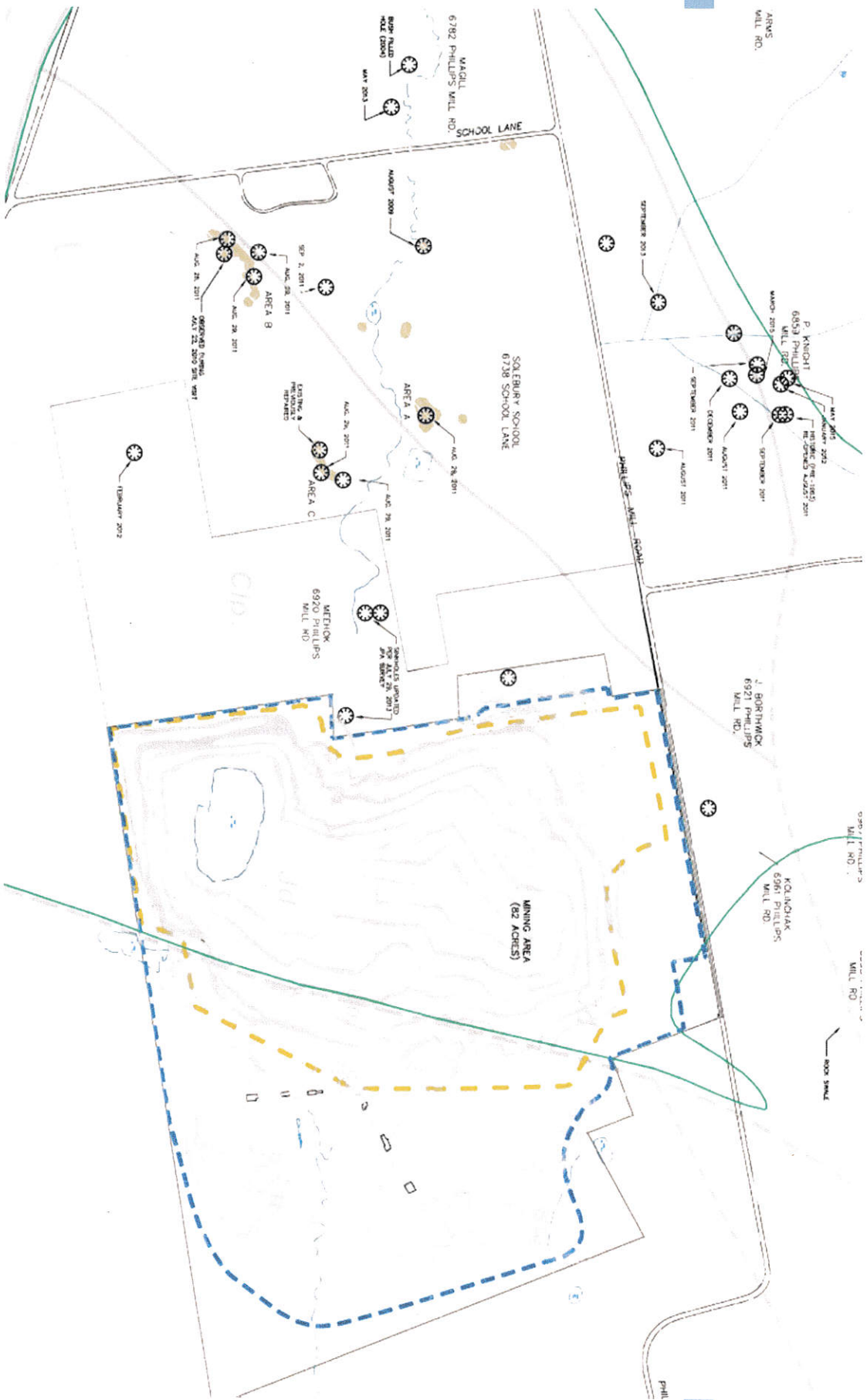
NHCS Background

View from Phillips Mill Road:



Overview of NHCS and Solebury School

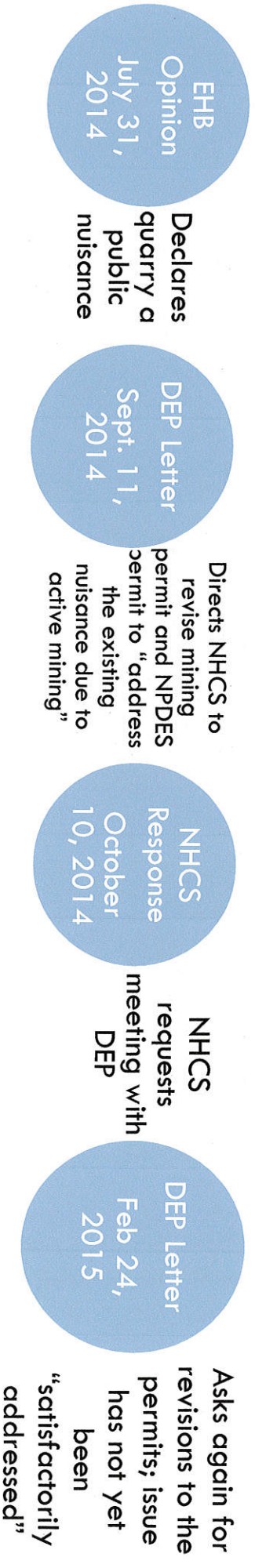




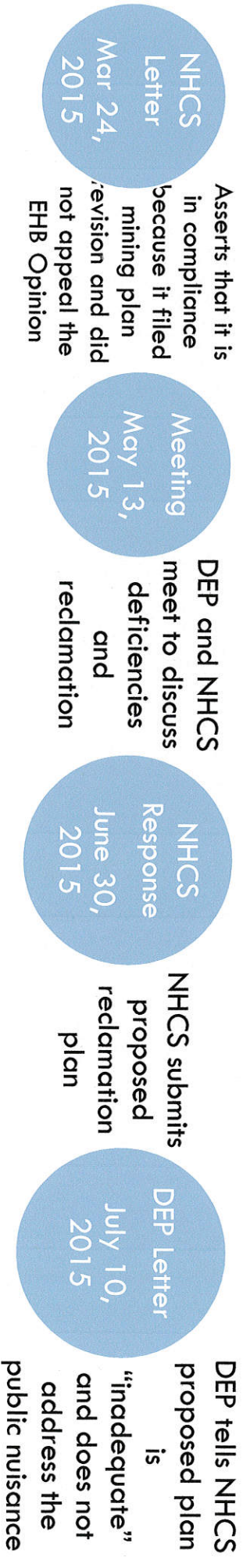
2014 Trial Outcome

- DEP “acted unlawfully, unreasonably, and abused its discretion” when it issued the Quarry the -170 feet MSL permit
- July 31, 2014 EHB opinion rescinded the -170 feet MSL permit effective immediately
- “The quarry is creating a public nuisance.” DEP has duty to abate/remove such nuisance.
- NHCS filed appeal of the EHB decision, but then withdrew appeal before briefing

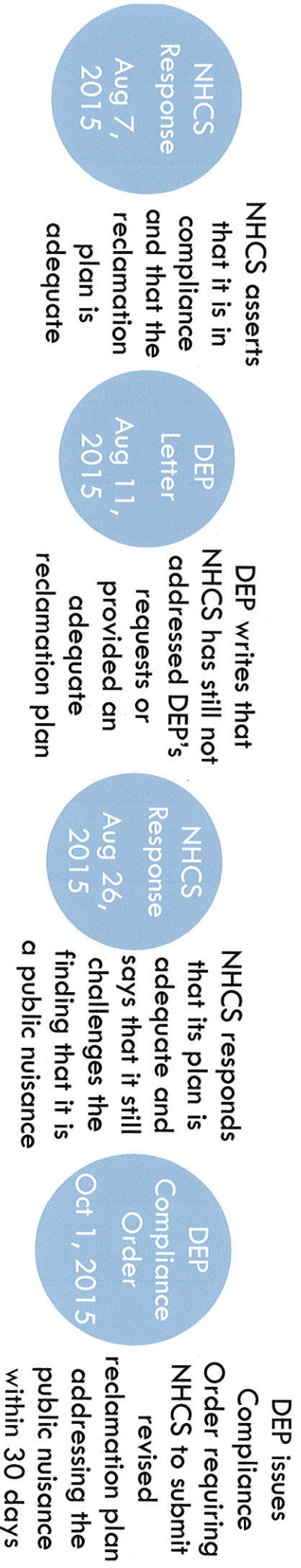
Timeline of Inaction



Timeline of Inaction (part 2)



Timeline of Inaction (part 3)



Timeline of Inaction (part 4)



What next?



Current Issues

- ☐ Reclamation
- ☐ Bond
- ☐ Primrose Creek

EHB Adjudication - July 31, 2014

- “New Hope’s right to mine while causing a clear safety risk is not grandfathered. There is nothing in the law to support such a notion, quite the contrary.” (pg.62)
- “The Quarry is creating a public Nuisance.” “The Department has a duty to abate and remove public nuisances.” (pg. 65)
- “So long as quarry dewatering continues, sinkholes will continue.” (p. 28)
- “Although it will take quite awhile for the unsafe condition to abate, movement toward that goal should commence immediately.” (pg. 62)
- “... **enough is enough.**” (pg. 48)

THANK YOU

CONFLICT OF INTEREST DISCLOSURE

I, Robert Heathall, hereby disclose that I have a conflict of interest with regard to ~~the~~ NEW Hope CROSBY STONE, a matter which is pending before Solebury Township. I am unable to vote on; discuss; or participate in any Township action with respect to NEW Hope CROSBY STONE.

_____ because of my relationship with the matter, as follows: members of my family
RECEIVE Royalties FROM NEW Hope CROSBY
STONE


By: _____

Dated: 11-17-15 - _____

Received this _____ day of _____, 20__.

Township Secretary