

SOLEBURY TOWNSHIP BOARD OF SUPERVISORS
February 18, 2014 – 7:00 P.M.
Solebury Township Hall

MINUTES

Attendance: James Searing, Chair, Robert Heath, Jr., Edward McGahan, Jr. and Helen Tai. Dennis H. Carney, Township Manager, Gretchen K. Rice, Assistant Manager, Jonathan J. Reiss, Solicitor and C. Robert Wynn, Township Engineer, were also present.

Absent: Paul Cosdon

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

Approval of Bills Payable – February 12, 2014

Res. 2014-27 – Upon a motion by Mr. Heath, seconded by Ms. Tai, the list of Bills Payable dated February 12, 2014 was unanimously approved as prepared and posted.

Approval of Minutes – February 4, 2014

Res. 2014-28 – Upon a motion by Ms. Tai, seconded by Mr. McGahan, the Minutes of February 4, 2014 were approved as written and posted.

Abstaining: Mr. Heath due to absence from meeting.

Announcements – There were no announcements made.

Public Comment

- Brad Livezey of Carversville revisited the issue of the Certificate of Appropriateness issued to the Carversville Christian Church last year requiring installation of fencing.
- Mindy Mutterperl of Stoney Hill Road addressed the Board related to power outages during the recent snow and ice storms.
- Jane Wilson of Aquetong Road addressed the Board related to power outages during the recent snow and ice storms.
- The Chair took this opportunity to thank outgoing Chair Robert Heath, Jr. for serving the past two years as Board Chair highlighting his ability to bring differing opinions of Board members together on numerous issues before the Board.

OLD BUSINESS

Agricultural Soils Ordinance Amendment - The Board asked the administration to modify the ordinance to make the ordinance less onerous on its resident and allow for temporary disturbance over 20% without the need for conditional use approvals. The amendment before the Board proposes those modifications while still protecting Solebury's natural resources.

In response to Board questions about allowing temporary disturbance of up to 50%, the Township Engineer noted that he simply used the percentage contained in the current ordinance. The Board could set a lower percentage.

Mr. McGahan commented that the proposal would probably save residents thousands of dollars; however he would also consider a lower threshold for allowance of temporary disturbance based on the submission the Board has recently reviewed.

Ms. Tai raised concern with chipping away at resource protection and allowing projects with less oversight indicating that she did not support the proposed amendment.

The Township Engineer noted that even if a conditional use was not required, there would be oversight provided by the NPDES permit and associated Township E&S Permits.

Mr. Searing stated that he also had reservations about amending the Ordinance for this purpose.

Mr. Heath opined that he supports amending the Ordinance but was not comfortable with the 50% and would instead prefer something closer to 25% or 30%.

Malcolm Crooks, Eleanor Miller and Jane Wilson offered comment in support of keeping the current Ordinance regulations in place and not moving the proposed Amendment forward.

Res. 2014-29 – A motion was made by Mr. Heath, seconded by Mr. McGahan, to authorize sending the proposed Ordinance Amendment to the Planning Commissions for review and comment revised to reflect 30% rather than 50% disturbance.

In Favor: Mr. Heath and Mr. McGahan

Opposed: Ms. Tai and Mr. Searing

Motion Fails

The Township Solicitor confirmed that the proposed Amendment could be raised at a future meeting at the Board's discretion.

Act 537 Plan – Ordinance Governing Management of On-Lot Facilities; Ordinance Governing Management of Holding Tanks; Ordinance Providing for Permitting of All On Lot Facilities

The Chair provided the history that resulted in the Ordinances before the Board this evening. Mr. McGahan provided a brief outline of regulations contained in each of the three proposed Ordinances.

Res. 2014-30 – Upon a motion by Mr. Heath, seconded by Ms. Tai, it was unanimously agreed to authorize sending the following Ordinance to the Township Planning Commission for a thirty day review period:

- 1. Ordinance Governing Management of On-Lot Facilities;**
- 2. Ordinance Governing Management of Holding Tanks;**
- 3. Ordinance Providing for Permitting of All On-Lot Facilities.**

Solebury Park Conservation Easement – Authorization to execute Easement – Terry Clemons, Esquire was present to provide history on the acquisition of the property and overview of the proposed Conservation Easement on the 80 acre parcel owned by the Township. The holder of the easement will be the County of Bucks.

The Easement provides for agricultural use, active and passive recreation uses and amenities associated therewith, sale of a portion or all of the property to an adjoining preserved property or transfer of the entire property to another Qualified Organization for park, nature preserve, public trail or other conservation purpose consistent with and in furtherance of Conservation Objectives. It also provides that Solebury Township can establish a single residential building envelope of not more than five acres and sell the property under and subject to the Conservation Easement.

Thomas Elliott and Wayne Kenton of Peddler's View requested the Board to defer action on the item until such time as the public was given an opportunity to review the document.

Malcolm Crooks of Solebury asked why the Township was having Bucks County hold the easement rather than Bedminster Regional Land Conservancy. Mr. Clemons explained that Bedminster and other like conservancy entities are not prepared to hold an easement that provides for active playing fields and associated structures and the County holds numerous such easements for other municipalities.

Tamera Lesh of Peddler's View inquired about ownership details and who would receive revenues if a cell tower or similar structures were constructed.

Kevin Campbell, Chair of the Township's P&R Board thanked the Supervisors for including active recreational uses in the Easement language, but also asked that the Parks and Recreation Board be provided an opportunity to review the language before the Board took action.

Mr. Campbell raised concern that the County of Bucks would have to approve any of the park proposals. Mr. Clemons responded that if a use is permitted in the Easement, approval of Bucks County would not be required.

Brad Livezey of Carversville asked if the public would get to vote on whether or not to sell the property if the Board wanted to do so. Mr. Clemons responded that under the Easement a sale of the property is permitted and a decision to do so falls solely to the Board of Supervisors. Any decision by the Board to sell the property would be made at a public meeting and the public would be provided an opportunity to comment.

Mr. Searing commented that the Board intends to look at the feasibility of using the property as a park, adding that he personally has no intention to sell the property.

Mr. Heath noted that there has been much public comment and input and the Board has taken all comments into consideration. The Easement contains a great deal of flexibility so that this Board and future Boards have the ability to develop the property as a park, use the site for agricultural purposes or to sell the property as a conserved property with a five acre building envelope and put the money back into the open space program.

Res. 2014-31 – Upon a motion by Ms. Tai, seconded by Mr. Heath, it was unanimously agreed to authorize the Chairman to execute the Conservation Easement on Tax Map Parcel #41-41-021-006 between Solebury Township and the County of Bucks as drafted.

Andrews Conditional Use – Stormwater Facilities – The applicant has posted the required financial security and executed the Standard Stormwater Facilities Maintenance and Monitoring Agreement and Stormwater Facilities Development Agreement. The documents are now ready for Township execution and recording.

Res. 2014-32 – Upon a motion by Mr. Heath, seconded by Mr. Searing, it was unanimously agreed to authorize the appropriate Township official to execute the Stormwater Facilities Maintenance and Monitoring Agreement and Stormwater Facilities Development Agreement related to the Andrews Conditional Use.

NEW BUSINESS

Supervisors' Meeting Date – Due to the primary election scheduled for May 20, the Board is rescheduling the May 20th meeting to May 22, 2014.

Res. 2014-33 – Upon a motion by Mr. McGahan, seconded by Ms. Tai, it was unanimously agreed to reschedule the May 20, 2014 meeting to May 22, 2014.

Flood Prevention Policy Resolution – At the urging of Ms. Tai, the Board considered adopting a resolution calling for the imposition of a flood prevention policy mandating a 10% void in reservoirs owned by the State of New York that could impact the Delaware River. Numerous other municipalities along the Delaware have adopted a similar resolution.

Also speaking in support of the proposed resolution were Gail Pedrick, President of the Delaware Riverside Conservancy and Alycia Scannapieco.

Res. 2014-34 – Upon a motion by Mr. Heath, seconded by Mr. McGahan, it was unanimously agreed to adopt a Resolution of the Board of Supervisors of Solebury Township, County of Bucks, Commonwealth of Pennsylvania, calling for the imposition of a Flood Prevention Policy that will mandate a 10% void in reservoirs that can impact the Delaware River and that are owned by the City of New York and regulated by the United States Supreme Court Decree of 1954 as proposed.

SUBDIVISIONS/LAND DEVELOPMENTS/CONDITIONAL USES

Logan Square – Commencement of 18 Month Maintenance Period – The Township Engineer stated that all construction activities have been completed at the Logan Square project. Sufficient financial security is already in place with the Township.

Res. 2014-35 – Upon a motion by Mr. McGahan, seconded by Ms. Tai, it was unanimously agreed to commence the 18 Month Maintenance Period for the Logan Square Shopping Center as recommended.

Public Comment – No additional public comment was offered.

Adjournment

Res. 2014-36 – Upon a motion by Mr. Heath, seconded by Mr. McGahan, the meeting adjourned at 9:35 p.m.

Respectfully submitted
Gretchen K. Rice
Assistant Manager
Secretary/Treasurer