

**SOLEBURY TOWNSHIP BOARD OF SUPERVISORS**

**March 4, 2014 – 7:00 P.M.**

**Solebury Township Hall**

**MINUTES**

Attendance: Paul Cosdon, Vice-chair, Edward McGahan, Jr., Robert Heath, Jr., and Helen Tai. Dennis H. Carney, Manager, Gretchen K. Rice, Assistant Manager, Jonathan J. Reiss, Solicitor and C. Robert Wynn, Township Engineer, were also present.

Absent: James Searing

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

Approval of Bills Payable – February 26, 2014

**Res. 2014-37 – Upon a motion by Mr. Heath, seconded by Ms. Tai, the list of Bills Payable dated February 26, 2014 was unanimously approved as prepared and posted.**

Approval of Minutes – February 18, 2014

Ms. Tai raised two minor typographical errors to be corrected and suggested a revision to indicate that any decision of the Board of Supervisors to sell the 80 acres at the corner of Street and Upper Mountain Roads would be done at a public meeting and the public would be given an opportunity to comment.

**Res. 2014-38 – Upon a motion by Ms. Tai, seconded by Mr. McGahan, the Minutes of February 18, 2014 were approved with revisions as noted.**

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

Announcements/Resignations/Appointments

- The Board announced an executive session held prior to the meeting regarding potential litigations.
- The Board accepted the resignation of Jane Wilson from the Solebury Township Planning Commission.
- **Res. 2014-39 – Upon a motion by Ms. Tai, seconded by Mr. Cosdon, it was unanimously agreed to appoint Jane Wilson to the Solebury Township Parks and Recreation Board with no compensation for a term to expire December 31, 2018.**

• The Board directed that the opening on the Planning Commission and the opening on the Parks and Recreation Board be posted. Interested residents should submit a letter of interest and resume to the Secretary for the Board's consideration.

Public Comment

• Mr. Cosdon commented on the passing of long-time resident and community volunteer, Sally Leasure, noting that she was a member of the Township's first Historical Architectural Review Board and a founding member of the Carversville Historic Society.

- Steve Worth of Old Carversville Road addressed the Board with safety concerns regarding Old Carversville Road and provided a packet of information regarding the condition of the road requesting that the entire road be paved.
- Dennis Hedlund of Old Carversville Road also addressed the Board reiterating the concerns raised by Mr. Worth.

## OLD BUSINESS

Grandin Conditional Use – 75 Covered Bridge – Request for Waiver of Financial Security – This Agenda item was withdrawn by the applicant.

Agricultural Soils Ordinance Amendment – authorization to send to Planning Commissions – Mr. Cosdon introduced the subject explaining that the proposed Amendment deals with temporary disturbance of productive agricultural soils only and does not alter the 20% maximum permanent disturbance of productive agricultural soils. The Amendment is an effort to relieve residents of costly legal and engineering expenses associated with a conditional use submission resulting from temporary disturbance.

Mr. Cosdon proposed a number of revisions to the draft Amendment in an effort to further clarify the intent of the amendment.

Mr. McGahan expressed his support for the Amendment with the proposed revisions.

Ms. Tai opined that the Amendment may seem like a minor change but it begins to strip away the environmental protections currently in place and is inconsistent with the mission statement in the Comprehensive Plan document. She continued that the current ordinance works well and added that she has not talked with one resident who supports the amendment.

Mr. Cosdon disagreed, adding that the proposal also provides for restoration and a time limit within which the restoration must be done. This is something that the current ordinance does not address.

Ms. Tai questioned what 'restoration' looks like.

Mr. McGahan stated that the 20% maximum permanent disturbance is not changed in the proposal, only temporary disturbance is addressed and the proposal has the added improvement of restoration and a time line, while at the same time, saving residents thousands of dollars.

Mr. Heath concurred with Mr. McGahan's statements.

Kevin Morrissey commented that he applauds the efforts of the Board and felt Mr. Cosdon's revisions to the draft sounded like an improvement but he would like to see the entire amendment proposal before the Board takes action.

Jane Wilson and Robert McEwan expressed agreement with Mr. Morrissey's comments.

Bill McDowell relayed his experience in dealing with PECO related to restoration of an area on his property and recommended that further definitions be provided for certain references used, such as restoration and productive agricultural soils.

Mr. McGahan again emphasized that nothing is being changed as it relates to permanent disturbance of agricultural soils. The proposal is both pragmatic and environmentally sensitive.

Steve Worth and Mr. and Mrs. Dennis Hedlund expressed their support of the proposed Amendment.

Lisa Keyes encouraged the Board to have more discussion before acting.

Mr. Cosdon pointed out that the proposed Amendment is only on the Agenda to authorize sending it to the County and Township Planning Commissions for review and comment. Those committees may recommend revisions and the Board will consider their recommendations. The proposed Amendment is not being adopted this evening or authorized for advertising for adoption.

Mr. Heath said he wants to forward it on to the Planning Commissions because he wants to hear what they have to say. He sees no negative to asking for their input at this time.

**Res. 2014-40 – Upon a motion by Mr. McGahan, seconded by Mr. Heath, it was agreed to forward the draft Agricultural Soils Ordinance Amendment to the Bucks County Planning Commission and the Solebury Township Planning Commission for review and comment with the following revisions:**

**Section 1505 A. – last line – insertion of “if applicable” in last line;**

**Section 1505 D. – to be revised to read as follows:**

**“Only Productive Agricultural Soils which will be permanently disturbed in excess of 20% and replaced with ponds, stormwater management facilities, lawn or impervious surface including but not limited to hardscape and swimming pools, shall require conditional use approval. Productive Agricultural Soils which will be temporarily disturbed during construction activity may be disturbed in excess of 20% but not more than 30% in aggregate with the permanent disturbance provided that after construction topsoil is replaced in an amount not less than the preconstruction depth or 8”, whichever is greater, the area of temporary disturbance is deep-disked or tilled to reduce soil compaction. The affected area must be returned to agricultural use, meadow, or forest within 6 months of initial disturbance unless extended by the Township Engineer in writing.”**

**Section 1505 G. – insert “VC-C , VR-C” in note.**

**Voting in Favor: Mr. Cosdon, Mr. McGahan and Mr. Heath**

**Opposed: Ms. Tai**

**Motion Carries.**

**Res. 2014-41 – A motion was made by Ms. Tai, seconded by Mr. Cosdon, to forward the draft Agricultural Soils Ordinance with revisions to the Solebury Township Environmental Advisory Council for review and comment.**

**Voting in Favor: Ms. Tai**

**Opposed: Mr. Cosdon, Mr. Heath and Mr. McGahan**

**Motion Fails.**

#### NEW BUSINESS

Communications Ordinance – The Township Solicitor introduced the item, however the Board members felt they were not yet ready to discuss the details of the proposed Ordinance. This agenda item was tabled until the March 18, 2014 meeting. Mr. Carney requested when reviewing the Ordinance, that Board pay specific attention to page 23 where it addresses ‘stealth’ design.

Transfer of Funds in 2013 Budget – Acknowledging the upcoming need for a new public works facility, possible field and trail additions, and the amount of road damage experienced over the past few months, the Board determined that money should be transferred from the General Fund to the Capital Reserve Fund and the Roads and Bridges Fund. Mr. McGahan suggested that \$100,000 be transferred to Roads and Bridges; \$100,000 to Parks and Recreation Capital Fund; and \$100,000 to the Capital Reserve Fund.

Mr. Cosdon and Mr. Heath opined that the Parks & Recreation Master Plan has not yet been adopted by the Board of Supervisors and they could not support funding the P&R Capital Fund at this time.

**Res. 2014-42 – Upon a motion by Mr. Heath, seconded by Mr. McGahan, it was unanimously agreed to transfer \$100,000 from the 2013 General Fund balance to the Roads and Bridges Fund.**

**Res. 2014-43 – Upon a motion by Mr. McGahan, seconded by Mr. Heath, it was unanimously agreed to transfer \$200,000 from the 2013 General Fund balance to the Capital Reserve Fund.**

The Board noted that the Capital Reserve Fund can be used in the future, subject to Board approval, for capital expenditures, roads, parks and recreation, and other expenditures of long term benefit to the residents of Solebury Township.

#### SUBDIVISIONS/CONDITIONAL USES/LAND DEVELOPMENTS

Logan Square – Certificate of Completion #18

**Res. 2014-44 – After reviewing the recommendation of the Township Engineer, a motion was made by Mr. McGahan, seconded by Ms. Tai, and unanimously agreed to release the amount of \$17,973.51 from the Logan Square Escrow Fund (Release No. 18), reducing the amount remaining in the fund to \$83,592.63.**

#### Public Comment

- Steve Worth of Old Carversville Road again asked for the Board’s help in addressing the safety concerns previously raised regarding the condition of Old Carversville Road. Mr. McGahan suggested that the Board consider asking for input from the residents of Old Carversville Road.

Adjournment

**Res. 2014-45 – Upon a motion by Mr. Heath, seconded by Mr. McGahan, the meeting was adjourned at 8:20 p.m.**

Respectfully submitted  
Gretchen K. Rice  
Assistant Manager  
Secretary/Treasurer