

SOLEBURY TOWNSHIP BOARD OF SUPERVISORS
March 21, 2017 – 7:00 P.M.
Solebury Township Hall

MINUTES

Attendance: Kevin Morrissey, Chair, Helen Tai, Vice-chair, Noel Barrett and Paul Cosdon. Dennis H. Carney, Manager, Gretchen K. Rice, Assistant Manager and Jordan B. Yeager, Solicitor were also in attendance.

Absent: James Searing

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

Approval of Bills Payable

Res. 2017-50 – Upon a motion by Ms. Tai, seconded by Mr. Cosdon, the list of Bills Payable dated March 15, 2017 was unanimously approved as prepared and posted.

Approval of Minutes – March 7, 2017 special meeting & March 7, 2017 regular meeting

Ms. Tai requested additional detail be added to the special meeting minutes regarding proposals for removal of invasive plants.

Res. 2017-51 – Upon a motion by Ms. Tai, seconded by Mr. Barrett, it was unanimously agreed to approve the Minutes of the March 7, 2017 Special Meeting with revision, and the Minutes of the March 7, 2017 Regular Meeting as written and posted.

Supervisor Comment:

- Mr. Morrissey congratulated Solebury P&R 8th Grade Boys Travel Team on becoming the 2017 ICBA League Champions.
- Mr. Morrissey also congratulated the New Hope Solebury Varsity Girls' Basketball Team on their undefeated season.
- Mr. Morrissey noted the benefits from participating in all forms of activities such as sports, arts, scouting, etc., and expressed his thanks to all Solebury residents who give freely of their time and talents to make the activities possible.
- Mr. Morrissey noted that a Farm Forum hosted by the Solebury Farm Committee will be held at the New Hope Solebury Upper Elementary School (UES) cafeteria on Thursday, April 6th at 7:00 p.m. This is a public forum and anyone interested in farming or supporting farming is encouraged to attend.
- The Board announced an executive session held prior to the meeting to discuss litigation.

Public Comment – No early public comment was offered.

PRESENTATION – Maya Van Rossum, Delaware Riverkeeper Network regarding the PennEAST Pipeline

Ms. Van Rossum delivered a power point presentation providing historical information on the subject, including numerous environmental, financial and aesthetic consequences if the proposed PennEAST Pipeline is constructed.

The presentation included, among other topics, how property owners can respond to requests for access to their properties, negative impacts on various watersheds, economic cost to areas that allow the pipeline, and where the proposed pipeline stands now in the approval process.

Ms. Van Rossum also mentioned that the current proposed route runs through an Important Bird Area (IBA) in NJ. Because of this, the Federal Energy Regulatory Commission (FERC) required PennEast to provide an alternatives analysis that demonstrates that the proposed route is the least environmentally harmful route. In response to this, PennEast provided an alternative analysis that included four alternative routes, one of which runs through Solebury Township. Although PennEast does not prefer these alternative routes, FERC has the authority to select one of these routes.

Ms. Van Rossum advised that there will be a series of open houses held during which the public will have an opportunity to provide comments to Governor Wolf on this topic. It is hoped that the Governor will respond favorably to the invitation to attend. The first open house is scheduled for April 1st at Palisades High School from 1:00 to 4:00 p.m.

Ms. Van Rossum also reviewed the approval process including the specific entities that have authority to approve or disapprove the proposal at various levels during the process leading up to construction. More detail is available at www.delawareriverkeeper.org.

Mr. Yeager commented on the alternate routes that now appear to be gaining some consideration and advised that the Township has the option to authorize his office to file a petition for the Township to intervene into the process currently underway. Once the motion to intervene is filed, there is no continued expense to the township being a party at FERC; there are no hearings and no requirement to participate in any ongoing proceedings. The benefit of intervening is that it preserves the ability to challenge an adverse FERC decision (such as FERC deciding to route the PennEast pipeline through Solebury Township).

Numerous residents and audience members spoke in favor of the Township opposing the pipeline, including Gloria Shimkin, Brigitta Wolfe, Ralph DiZio, Hope Blaythorne, Penny Armagost, Ed Leydon and Brian Keyes.

Mr. Cosdon commented that in 2015 he had disclosed a conflict of interest in matters related to the production or transport of natural gas. He has since divested himself of investments in those companies and therefore is able to participate in these discussions.

Res. 2017-52 – Upon a motion by Ms. Tai, seconded by Mr. Cosdon, it was unanimously agreed to authorize the Township Solicitor to file a petition to intervene at the Federal Energy Regulatory Commission (FERC) in opposition to the proposed PennEAST Pipeline.

OLD BUSINESS – New Hope Crushed Stone Quarry – The quarry’s appeal of the January 29, 2016 letter from DEP modifying the quarry’s reclamation plan was the subject of a hearing on March 20 and 21st. Solebury Township is an intervenor against the appeal. Both the DEP and the quarry will submit post-hearing briefs once the transcripts are completed. No ruling is expected for a few months following the briefs.

Gerrymandering – The proposed Resolution resulted from a proposal and public comments made during the March 21st Board meeting to urge legislators to support and pass Senate Bill 22.

At the request of Mr. Searing who was not present at the meeting, Mr. Cosdon read a letter expressing concern on the process that was followed to arrive at formal action by the Board on a proposed Resolution. Specifically, he opined that there was insufficient time provided for public comment on the proposal.

Citing the critical timeframe involved and emphasizing that there will not be another opportunity to address the issue anytime in the near future, Mr. Morrissey and Ms. Tai expressed support for the proposed Resolution and thanked the residents for bringing the subject forward.

Audience members speaking in support of the Resolution included Brian Keyes, John Blevins and Debra Peckman.

Resident Dominic Marano opined that he did not feel the Second Class Township Code gives the Board the authority to pass such a Resolution. Mr. Yeager stated that there was nothing in the Second Class Township Code that precludes the board from passing a resolution expressing its opinion.

Res. 2017-53 – Upon a motion by Ms. Tai, seconded by Mr. Barrett, it was unanimously agreed to adopt A RESOLUTION OF THE SOLEBURY TOWNSHIP BOARD OF SUPERVISORS SUPPORT OF A CITIZENS COMMISSION FOR LEGISLATIVE AND CONGRESSIONAL REDISTRICTING, as drafted.

2017 Paving Bid & Bituminous Seal Coat – The Township received and opened bids on March 13, 2017 for Paving and Bituminous Seal Coat of Township roads. The administration has recommended awarding the contract for each to the low bidder; Bray Brothers for paving and Asphalt Maintenance Solutions, LLC for bituminous seal coat.

Res. 2017-54 – Upon a motion by Mr. Cosdon, seconded by Ms. Tai, it was unanimously agreed to award the 2017 Road Program bids as follows:

Bray Brothers, Inc. for paving:

Project #1 Base Bid	\$189,396.20
Alternate Bid	8,790.00
Project #2 Base Bid	<u>4,800.00</u>
	\$202,986.50

Asphalt Maintenance Solutions, LLC for bituminous and seal coat:

Base Bid	\$ 79,384.40
Alternate Bide	<u>12,429.74</u>
	\$ 91,814.14

SUBDIVISIONS/LAND DEVELOPMENTS/CONDITIONAL USES – No application came before the Board.

Public Comment – No public comment was offered.

Adjournment

Res. 2017-55 – Upon a motion by Mr. Cosdon, seconded by Ms. Tai, the meeting was adjourned at 9:15 p.m.

Respectfully submitted
Gretchen K. Rice
Assistant Manager