

SOLEBURY TOWNSHIP BOARD OF SUPERVISORS
May 18, 2017 – 7:00 P.M.
Solebury Township Hall

MINUTES

Attendance: Kevin Morrissey, Chair, Helen Tai, Vice-chair, Noel Barrett, Paul Cosdon and James Searing. Dennis H. Carney, Manager, Ernest Closser, Esquire and C. Robert Wynn, P.E., Jordan Yeager, Esquire were also in attendance.

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

Approval of Bills Payable

Res. 2017-69 – Upon a motion by Mr. Barrett, seconded by Ms. Tai, the list of Bills Payable dated May 12, 2017 was unanimously approved as prepared and posted.

Approval of Minutes – Revisions were suggested for pages 1 and 3.

Res. 2017-70 – Upon a motion by Mr. Barrett, seconded by Ms. Tai, the Minutes of May 2, 2017 were unanimously approved with revisions.

Announcements/Resignations/Appointments

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

Supervisor Comment

- The Chair commented on the Township Solicitor's absence as follows:

"You may notice that our Township Solicitor Jordan Yeager is not present this evening. He made a difficult decision to attend his daughter's last HS choir recital. It means quite a bit to her. Yes, the appearance and timing is unfortunate. However I know many of us in this room have had to make a decision to prioritize our family over our career even when it was not convenient. I certainly have done so and have never regretted it. Jordan told me he may be able to attend the back portion of the meeting. Frankly, I am not certain whether that will be possible."

- The Chair also commented on sport field maintenance as follows:

"I have had discussions concerning the proposed multipurpose field and the issue of general sport field maintenance has been raised. As P&R Supervisor Liaison, I will encourage the P&R committee to review current practices to determine whether there are feasible additional or alternate methods to improve our fields. I hope this will result in a presentation to the Supervisors for specific decisions to be made."

- The Chair addressed the audience about the Township's Motion to Intervene in the FERC hearing regarding the PennEAST Pipeline. The Township Solicitor has advised that Solebury Township now has the right to intervene concerning the PennEAST Pipeline issue. This in essence means the Township now has the ability to participate in meetings between PennEAST and FERC to locate a gas pipeline in this

region. Solebury Township is considered to be one of several possible alternate sites if the primary location is not approved.

- The Chair announced that the EAC Presentation was postponed to a future date.

PRESENTATION – P&R Trophy Presentation to 8th Grade Boys Travel Team – 2017 ICBA League Championship

P&R Director Dudley Rice with coach John McLaughlin and assistant coach Chris Walinski, presented trophies to the members of the team who prevailed over the previously unbeaten Hatboro-Horsham team to win the ICBA League Championship.

Mr. Morrissey addressed and congratulated the players and offered the following:

“Please enjoy this moment. Of course you have won a championship. There is a lot to enjoy and celebrate about that. But also continue to remember your experiences with your teammates. I bet all of you have stories. But please spend a moment to look to your side at your teammate next to you. Believe it or not you may think about this moment when you are my age and the teammate next to you. I was in competitive sports during school and I still hear from some of my former teammates. In fact, last year I went to a wedding of a one of one of my HS teammates.

I sincerely wish you luck whether you continue with basketball or get involved in the arts, communications, community activity, student government or whatever. I think you will enjoy and feel that you have accomplished something whichever path you take.

But for the time being please enjoy this moment. It is quite an achievement.”

PUBLIC COMMENT

- Ed McGahan of Aquetong Road congratulated the Township on the improved website.

OLD BUSINESS

The Chair provided an update on the NHCS Quarry as follows:

“The Quarry reclamation is behind schedule while the Primrose Creek stream restoration is on schedule.

An improved Corrective Action Plan was approved by DEP on April 13, 2017, which requires catchup work to be completed by July 1, 2017. At that point NHCS is required to be on schedule to meet the 2019 end date.

The improved Compliance Order requires NHCS to report on progress by the 5th of each month that includes quantifiable data which is tracked in this monthly status report.

This will be a significant topic of discussion next week at the monthly communication meeting with members from BOS, DEP, Solebury School and Primrose Creek Watershed Association as to continual concerns for NHCS not meeting their monthly reclamation targets.

Meanwhile water continues to rise in the quarry with it now being -68 below sea level from -110 below sea level in Sept 2016, rising 42 feet."

Mr. Cosdon provided the following comments regarding the NHCS Quarry:

"There is something left unsaid regarding the continuing reports on NHCS.

Prior to taking office in January of 2012, I had stated that the Quarry was an ongoing business in the Township, had a right to continue their operation as long as they performed it safely without a detrimental effect on their neighbors. I further advocated talking with them as opposed to continuing trying to litigate.

My suggestion was to talk to them and treat them as neighbors.

Shortly after taking office I had a meeting arranged with our Solicitor, our Township Manager, the General Manager of the quarry, and their solicitor. Within 4months of this initial meeting, we had an agreement in place to form a Quarry Committee, consisting of Township residents, a supervisor, a representative from the Township and management from the quarry. I would like to point that that NO SOLICITORS were ever at these meetings, either the Township or NHCS's.

Our meetings were productive. Information was freely exchanged. And problems were solved.

When the decision by the Environmental Hearing Board was reached, our meetings continued through the appeals by the Quarry.

It was not until the Township chose to intervene in the proceedings brought by the Solebury School that these meetings went south. Because of our intervention and the advice of their counsel, they no longer would meet. We have not met since our intervention.

What is my purpose in reminding everyone of these facts?

To date, since the Township's decision to intervene, nearly \$25,000 has been spent by the Township on legal fees and they are continuing.

This money could have been spent on other Township projects, including a multipurpose field."

Anne Stephano of River Road addressed the Board regarding the NHCS Quarry stating that Solebury School has spent much more money than the Township on the Quarry matter. Ms. Stephano also stated that it is a safety hazard and a public nuisance and has to be addressed.

Ms. Tai commented that although the Township may have had open dialogue with the quarry, these meetings did not result in any substantive changes. It was only after the Township met with the DEP and intervened that the quarry began to address the public nuisance. Since the intervention, reclamation is finally taking place and the water level is rising. Ms. Tai also stated that the Township's intervention was on the quarry's appeal of DEP's January 29, 2016 letter, not a proceeding brought by Solebury School, as Mr. Cosdon stated.

Mr. Morrissey added that as a result of our intervention, we actually have an end date for the quarry operations, which we never had before.

Laurel Park – Multipurpose Field

Mr. Morrissey opened the discussion with the following statement:

“Before we start the discussion concerning the proposed multipurpose field located at Laurel Park, I would like to make a few comments.

As we are all aware this issue has been discussed at length for the last several weeks. At this point it is clear to me and I hope to most in the community that the grant for the field which was not approved, does not necessarily relate to whether there will be a new multipurpose field in Laurel Park.

Another point is that I accept Lynn Bush’s recent comment that “we look at projects based on their merits. The new project (the multipurpose field grant request) did not meet our threshold criteria because it was a grant to make improvements, not to preserve open space.”

If there is a criticism of the Township it is that perhaps there was an attempt to push the envelope in terms of the County’s view of an acceptable reason for a grant. However, I think most will agree that the community would prefer the Township to explore every potential source of grant funding with the possibility of not all grants being approved. Please remember through this process the Township just received \$562k for open land from the County.

Yes, there is much information related to the recent grant process. If there is a community wish to explore these issues further, there can be time scheduled at a future Supervisor meeting. However, tonight may I request that we all focus upon the issue of the feasibility of a new multipurpose sports field in Laurel Park.

Additionally, I understand that many of the attendees this evening have strong opinions concerning this issue. I ask that you keep your comments to 3 minutes to be fair to others who wish to speak. Otherwise, we may be here for quite a while without completing this discussion or the decision concerning the multipurpose field.

If I could, I would like to start the discussion.

In the last few weeks I have heard from a variety of residents.

- *Preservationist who believe that an additional field continues the threat to open land;*
- *Tax minimalists who are reluctant to spend Township funds on any project unless absolutely necessary and are concerned with the level of school tax;*
- *Others are indifferent to a new field but believe the sports organizations should have a financial commitment to it as has been the recent history of prior Township sports field construction;*
- *There are parents who think that there should be at least 1 additional sports field in the Township for the benefit of current and future children;*
- *There are others who do not have children in the sports programs who believe an additional field is appropriate and feasible.*

My hope tonight is for us to reach a decision that will be a compromise that reflects most of the important aspects of the will of most in the community. Otherwise I am unsure of the results if we maintain a firm position.

Here is a little bit of background concerning the former municipal garage property conversion effort.

Returning the field from a municipal garage location to an open grass field will cost the Township approximately \$30,000. This is to adhere to regulations by the EPA and DEP to take down the former garage.

The Township has received an estimate from the Township Engineer that it will cost about an additional \$75,000 to convert the proposed multipurpose field to the next level of quality of a sports field. The feedback that I have received from the Solebury P&R Director is that it is unclear as to whether the additional \$75,000 funds will be required to have a simple practice field. In his opinion it is an unknown.

Given the variety of community opinions and the feedback from the Solebury P&R Director tonight, I hope we can come to an agreement in some form whereby the Township provides the multipurpose field which will receive \$30,000 worth of improvements and enable the Solebury sports organizations to utilize it as soon as possible. After a year worth of use and feedback from these organizations, I believe we all will be in a better position to make an informed decision as to whether the additional \$75,000 is necessary. Meanwhile we can get this new field operational as soon as is reasonable.

An alternative moves us into a discussion as to the source of the \$75,000. Will it be derived from the Township. Sport organizations or a combination? I believe at this point it is not necessary to make that determination. Instead we can make the decision to have this field available to the sports organization players soon.

Consequently I would like to ask for a motion for the following resolution:

Whereas Solebury Township is planning to spend approximately \$30,000 to convert the former municipal garage site to open land, this is to authorize the use of such an area as a multipurpose practice field for Solebury sports organizations utilization."

Ms. Tai motioned to spend \$30,000 to convert the former garage site to open land and to authorize the use of the area as a practice field for Solebury's sports organizations. Mr. Barrett seconded the motion.

Mr. Searing opined as follows:

"I am strongly against this motion. I served on this Board all the way back in 2014 when the long term Parks and Rec plan was debated and approved. That plan called for the Township, in a two year period, to "Confirm the need, identify the placement, and build 2 additional fields for multi-purpose use." We've heard from the Parks and Rec Committee on numerous occasions over the past five years. I am in favor of funding and building the multipurpose field behind the township building, and getting on with it as soon as possible.

We have to balance the needs and wants and resources of the community. Our community has made a huge investment in land preservation. Our community has invested in updating the infrastructure with

the public works and salt buildings. And, at some point, we need to invest in fields, which serve the younger people and young families. I think there are limits on how many fields a community should have. Yet I believe that carefully made plans should be followed, and I felt that this Board made a commitment to build the fields when we met in March 2017.

We have the financial resources; we can afford to do this. If we were talking about a major investment, say at new North Pointe Park or Solebury Park, where there would be a need for storm-water controls, roads, bathrooms, parking lots, and other such expenditures, I would want to ensure that grant money was being used, and that community funding would be a part of it, similar to the track at the High School. But this is modest, it is affordable, and it would make an almost immediate difference.

Let's do some math. The estimated cost of the field is \$75,000.

There are about 4,000 tax paying units in the township—residential and commercial properties. Divide \$75,000 by 4,000. It equals \$18.75 per taxpaying unit.

Now, let's take it further. How long will our township benefit from the field? Theoretically forever, but let's say 10 years. \$18.75 divided by 10 years is equal to \$1.87 per year. So the average taxpayer will be funding \$1.87 per year for the capital costs for this field. Compare that to the cost of a cup of coffee at Starbucks. This is clearly a very modest expenditure, well within the capacity of the Township.

Frankly, I'm tired of talking about the number of fields, data, possibilities, what-ifs, scenarios, spreadsheets, estimates, projections. All of this is a recipe for no action....and a substitute for action.

As far as I'm concerned, I have no interest in half funding a field or just planting grass. In fact, I would prefer to build out the entire project as originally proposed...with the Bocce and Pickleball courts. We need to provide opportunities for adults and seniors to use our recreation facilities. In addition, this would be an added benefit for the people who live near Laurel Park.

So, please do not put forward half measures. Let's move forward as a community and get this multi-purpose field done."

Mr. Cosdon stated that he would not vote for the motion as presented. The Township should build the field and spend the \$75,000 additional money to build a new multipurpose field.

Ms. Tai stated as follows:

"I believe that everyone here tonight can agree on one thing – we all care about making Solebury better for its residents – but we have different opinions about how to do that. And to work toward that end, we have to stop talking past each other and begin listening to each other. Many of you are here tonight because whether or not the Township builds and funds a playing field is very important to you. Our community is divided on this issue. Some of you passionately want a field while others are vehemently opposed.

A lot of people feel that "the other side" is unsympathetic and does not care about their needs. As the debate continues, each side has gotten more entrenched, and we are no longer listening to each other. No matter what decision the board makes, some of you will be unhappy or even angry. So I'd like to ask everyone to take a step back. Let's remember that we are all one community. Let's work together instead

of against each other. Let's talk calmly and openly about this. I'm hopeful that if we listen respectfully to each other, we can arrive at a fair solution.

However we vote tonight, we are still one community. We are still neighbors who will continue to see each other at the grocery store, at the gym, at school and elsewhere. Let's not allow a difference in opinion create a division in Solebury; there's enough of that going on in the country and world right now.

I'd like to hear from all of you – If you're for the field, tell us why and listen to reasons why others aren't. If you're against the field, tell us why and listen to reasons why others are."

Mr. Barrett stated that he seconded the motion because of the numerous residents he has talked with who oppose the field and who have expressed that other activities are needed such as bike paths, walking trails.

Mr. Morrissey stated that he is in favor of building the multipurpose field but suggested that the best path forward is a green area now and then see if the next level multipurpose sports field is really needed in the future.

Barbara Zietchick of Fox Run addressed the condition of the existing fields and asked if the Township had a plan for maintenance.

Joyce Revas of Laurel Road expressed concerns about the conditions of the field at Canal Park.

Ellen Anthonisen of Sугan Road offered comment on the issues previously expressed by a group identified as the Friends of Laurel Park, adding that she felt there should be a real feasibility study conducted which would show there is no need for the proposed field; there are discrepancies in the planning involved; and not many people use the park other than kids.

Ed McGahan of Aquetong Road noted that in 2009 while he was still an elected Supervisor the Township talked about the need for additional fields. He strongly urged the Board spend the additional funds to construct the multipurpose field and not to kick the can down the road.

John Madera of Phillips Mill Road, a coach who has been to all the parks in the area during his ten years of coaching, stated that Laurel Park is a really nice park and the Township should add additional funding to make it even better.

Eric Allen of Carversville commented that he isn't passionate one way or the other but suggested a postponement or delay in the discussion.

Susan McMahon of Fox Run addressed the Board about which sports would be played on the area.

Kevin Campbell discussed the timeline on how long it takes to establish a field adding that postponing any decision now is likely to result in up to three years before a playable field condition is achieved. He pointed out that Canal Park is an example of a field that was not built correctly and encouraged the Board not to delay building the multipurpose field correctly now.

John McDevitt of River Road questioned the usage of fields, stating his understanding that there are 26 fields and questioned if there had been an assessment made to determine if the soccer teams could play on some of the baseball fields.

John Feehan of Aquetong Road responded that NHS School District has made an assessment and they are two fields short and P&R has done assessments over the past many years and continues to estimate a shortage of three fields. The Supervisors are only delaying the issue and not listening to its own committee recommendations.

Ms. Tai Clarified that the field capacity analysis presented in March did not include baseball. Since the last meeting, the P& R department provided a revised capacity analysis that included baseball, and it is showing that the Township is short less than two fields, not three.

Melvin Band of Jason Court stated that the NHS School District feasibility study also looked at the life of a field and the conditions of the fields at the school district are considered in poor condition.

John McDevitt commented that the P&R Director has stated that the Township didn't need more fields.

The P&R Director was in attendance and corrected Mr. McDevitt by stating that the question that he had been asked previously was whether or not there was a critical need for more fields and would the sports programs end if additional fields were not built. Mr. Rice had responded the sports programs would not end if no additional fields were built.

Kimberly Moore of Jason Court, and President of Solebury Soccer, spoke on the fees and \$30,000 being spent on returning the area to grass. She emphasized that Canal Park is unusable and the children practice on 1/3 of a field and the teams are not competitive. She noted that during the April 18th Board meeting, the Township Manager said he could transfer funds from either the Capital Reserve or the General Fund to cover the additional expenses to construct a multipurpose field. She ended by encouraging the Board to approve building a multipurpose field correctly now and not to delay as it will only cost more money to build it in the future.

Ms. Tai stated that it was clear from the discussion that simply returning the area to grass was not a good solution and that we needed to find a way to fund the multipurpose field. She asked the group to come together to devise a plan to fund the \$75,000. The school numbers indicate a decline in enrollment and participation in field games. The Comp Plan shows different priorities such as trails. There needs to be a balance of different uses. The Township Budget shows a declining General Fund balance in future years. She asked if the sports organizations could provide some funding.

Additional discussion ensued on various options.

John and Kathleen Feehan stated that they would contribute \$35,000 toward the additional funding needed for construction of a multipurpose field.

At this point Ms. Tai withdrew her earlier motion.

Lisa Gladden Keys of Aquetong Road stated that she knew very little about the issue before attending the meeting but what she is hearing from the sports groups is that our fields are unsafe. Parents are

fearful for children's safety. She opined that she supports the sports organizations for what they provide to the community and encouraged the Board to make the multipurpose field happen.

Ed McGahan of Aquetong Road offered to contribute an additional \$5,000 toward the multipurpose field construction.

Following additional discussion the following action was taken.

Res. 2017-71 – Upon a motion by Mr. Searing, seconded by Mr. Cosdon, it was unanimously agreed to authorize funding and completion of a multipurpose field up to \$75,000 as specified by the Township Engineer in the cost estimate provided.

The Board acknowledged that John and Kathleen Feehan will contribute \$35,000 on behalf of the sports organizations toward the completion of the project along with Ed McGahan's pledged contribution of \$5,000.

The Board thanked Mr. and Mrs. Feehan and Mr. McGahan for their contributions.

LPC – Jerry Sauls LLC, Lower York Road, TMP 41-022-021-002 – The Bucks County Commissioners has approved the Municipal Open Space Grant for the preservation of 34.26 acres located at 6106 Lower York Road. The grant is in the amount of \$562,444 with a Township match of \$187,481.

Res. 2017-72 – Upon a motion by Mr. Searing, seconded by Ms. Tai, it was unanimously agreed to authorize the Township Administration to make a formal offer to Jerry Sauls for purchase of a conservation easement on TMP 41-022-021-002 in the amount of \$749,925.

2018-2020 Mowing Bid Award – On May 12, 2017 three bids were received as follows:

1. M&M Landscaping, LLC - \$1,860
2. Outdoor Décor, LLC - \$1,590
3. Professional Landscape Services, Inc. - \$1,585

Res. 2017-73 – Upon a motion by Ms. Tai, seconded by Mr. Barrett, it was unanimously agreed to award the Mowing & Maintenance Contract for 2018-2020 to the low bidder, Professional Landscape Services, Inc. in the amount of \$1,585 per weekly cut.

NEW BUSINESS – No new business came before the Board.

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

Public Comment – No additional public comment was offered.

Adjournment

Res. 2017-74 – Upon a motion by Mr. Cosdon, seconded by Mr. Barrett, the meeting was adjourned at 9:50 p.m.

Respectfully submitted

Dennis H. Carney
Manager