

**SOLEBURY TOWNSHIP BOARD OF SUPERVISORS**

August 15, 2017 – 7:00 P.M.

**Solebury Township Hall**

**MINUTES**

Attendance: Kevin Morrissey, Chair, Helen Tai, Vice-chair, Noel Barrett, Mark Baum Baicker, Paul Cosdon, Dennis H. Carney, Township Manager / Secretary, Michele K. Blood, Finance Director / Treasurer, Jordan B. Yeager, Solicitor, Joanna Waldron, Solicitor, and Curt Genner, Township Engineer, were also in attendance.

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

II. Approval of Bills Payable

**Res. 2017-100 – Upon a motion by Ms. Tai, seconded by Mr. Cosdon, the list of Bills Payable dated July 27, 2017, 2017 and August 10, 2017 were unanimously approved as prepared and posted.**

III. Approval of Minutes – June 20, 2017 & July 17, 2017 regular meetings

**Res. 2017-101 – Upon a motion by Ms. Tai, seconded by Mr. Cosdon, the Minutes of the June 20, 2017 and July 17, 2017 meetings were approved with revisions.**

IV. Announcements/Resignations/Appointments

- The Board announced an executive session held on August 15, 2017, dealing with personnel and legal issues and a zoning application from Mr. & Mrs. Masters, TMP 41-18-45 and Mira Nakashima-Yarnell, TMP 41-36-77-2.
- The Board also announced that TJ Francisco was appointed to the Planning Commission and had attended his first meeting.

**Res. 2017-102 – Upon a motion by Mr. Cosdon, and seconded by Ms. Tai, it was unanimously agreed to appoint TJ Francisco to fill the vacancy on the Planning Commission for the unexpired term due to the resignation of a former member.**

V. Supervisors Comment

- On behalf of the Board of Supervisors, and in light of the current violent events that took place in Charlottesville, VA, Ms. Tai read the following statement of inclusion that was first noted at the November 15, 2016, Board of Supervisors meeting:

***"Statement of Inclusion***

*The Solebury Township Board of Supervisors condemns all hateful and illegal acts that recently occurred in our area and across the country.*

*We state unequivocally that Solebury Township is a community of respect, caring and inclusion.*

*As a township, we will continue to welcome, value and do our best to protect every person, regardless of race, religion, gender, sexual orientation, gender identity, disability, political affiliation or nationality."*

- Mr. Morrissey reiterated Ms. Tai's comments, and noted that at times, national issues affect us locally and our lives. On a more pleasant note, Mr. Morrissey welcomed Mr. Baum Baicker to the Board.
- Mr. Cosdon noted that the area surrounding Charlottesville, especially the University of VA, is a beautiful, peaceful place, and this tragedy will profoundly affect those who live and visit there.
- Mr. Barrett also welcomed Mr. Baum Baicker to the Board.

#### **PUBLIC COMMENT –**

No early public comment was offered, however, due to scheduling conflicts, the Board requested that the Township Solicitor, provide an update on the assessment of the Township's ability to further restrict the 104 acre North Pointe Open Space property to prohibit active recreation as it was a topic of lengthy discussion at the June 20, 2017 Board meeting. The short answer is that it's not practical.

There is what's referred to as a "deed of dedication" that was recorded against the Property that specifically dedicates the Property to the Township for passive or active recreation. This was done as a result of the subdivision approval that the Township granted in 1999.

The *Donated and Dedicated Property Act* essentially imposes a duty on municipalities to ensure that donated or dedicated property that is held in trust is available for use as originally intended. As a result, the Township would have to file a legal action and obtain a Court order to further restrict the land. If the Township attempts to obtain Court approval for further restricting the Property, the Township would have to establish that active recreation is: (1) no longer practicable or possible; and (2) has ceased to serve the public interest.

The solicitor concluded that restrictions to the property are not practical. The Township would need to establish that it is not possible to use the property for active recreation, which would be challenging due to the prior Township plans demonstrating that it is possible to use the property for passive recreation.

However, Mr. Yeager also stated that the township is not required to put active recreation at the site, and several members of the board stated that they are not inclined to do so.

#### **VI. PRESENTATION – Mark Kaplan and Erik Clase - Pantera Realty a.k.a. Riverview Discussion**

The Riverview project went before the Township Planning Commission on July 10, 2017. At the meeting Mr. Kaplin only wanted to address the issue of parking stall size and quantity. The Planning Commission made the following motion to send the parking stall issue to the Board of Supervisors for input.

**Upon a Motion made by Dan Fest, seconded by Peter Brussock the Solebury Township Planning Commission recommended for approval the existing parking plan as presented with (9' X 18') parking spaces, it was further recommended to allow for 20-25 (10' X 20') larger parking spaces in areas best suited for the site to accommodate larger vehicles such as limos,**

**large SUV's, pickup trucks etc., the Planning Commission is not addressing any other aspects of the plan at this time.**

The applicant is requesting a smaller size parking stall 9' X 18' than what is required by SALDO 10' X 20' for the entire site. The applicant wishes to get feedback from the Board before proceeding with their site plan revisions. A vote would not been taken at this meeting.

After much discussion from the Board members, Mr. Kaplan and Mr. Clase, and questions from the audience members, the applicant left with a better understanding of the Board's wishes to preserve greenspace and limit impervious surfaces.

**PRESENTATION – William Collins, Simone Collins – Trail Project Grant – Aquetong Spring Park**

Mr. Collins delivered a power point presentation (copy of which is attached to this document) on the Transportation Alternatives Program (TAP) grant, as well as an update on the existing grant application status. Mr. Collins also provided cost estimates for the additional trail work, costs for Simone Collins to make the application and any matching funds that may be required in the future year Budget. Mr. Collins noted that construction bidding for this project does not begin until August 2020, but that the application must be submitted by September 22, 2017.

Board and audience member discussion ensued regarding this project and its impact on the surrounding community, access to the trails and the length of time it would take to complete the application (approximately 30 days).

**Res. 2017-103 – Upon a motion by Ms. Tai, and seconded by Mr. Baum Baicker, it was unanimously agreed to authorize Simone Collins to apply for the TAP grant at a cost of \$7,500 and to prepare and execute the resolution as required for the TAP grant.**

**VII. OLD BUSINESS –**

New Hope Crushed Stone Quarry – Mr. Morrissey provided the following update:

The Department of Environmental Protection (DEP) has lifted the New Hope Crushed Stone (NHCS) mining cessation as of 8/2/2017.

The DEP has determined that NHCS has made satisfactory progress based on a drone survey and other info submitted by the operator and their engineer. The info submitted indicated that the amount of fill placed or moved is now above the required amount to complete the reclamation by mid-2019. However, NHCS is still required to submit additional survey data to confirm the DEP's initial authorization to continue mining

At this point, the DEP still is working through the data received from NHCS on August 8 and the NHCS July status report to insure there is an accurate depiction of the reclamation status at the quarry.

When the DEP assessment of the NHCS data submittal has been finalized, an updated July project status report will be posted to the DEP website. The DEP has informed us this should occur by the end of this week. Mr. Morrissey requested that this information be posted to the Township website.

Laurel Park – Multi-Purpose Field Bid Award – Mr. Morrissey provided the following update:

The re-bid for the Laurel Park Multi-Purpose Field were received on Thursday, August 10, 2017. Only two bids were received: A.H. Cornell & Sons, Inc. and James R. Kenney.

Bidder	Base Contract	Site / Turf Maintenance
A.H. Cornell & Sons, Inc.	\$74,688.20	\$6,500.00
James R. Kenney	\$95,869.88	\$8,500.00

The low base bid is consistent with construction cost estimate. Site / turf maintenance is an optional element. It is for the care for the field area until adequate seed germination is obtained. The Township Engineer has reviewed the bids and recommends awarding the base contract to A.H. Cornell & Sons, Inc.

**Res. 2017-104 – Upon a motion by Ms. Tai, and seconded by Mr. Barrett, it was unanimously agreed to award the base contract to A. H. Cornell & Sons, Inc. as submitted.**

**Res. 2017-105 – Upon a motion by Mr. Baum Baicker, and seconded by Mr. Cosdon, it was unanimously agreed to award the site and turf maintenance to A. H. Cornell & Sons, Inc. as submitted.**

Omnibus Ordinance - Adopt

The proposed Ordinance is amending the Solebury Township Zoning Ordinance to clarify certain definitions to reflect updates in Chapter 8 on Floodplains, and add definitions for Base Flood, Base Flood Elevation, and Automobile Service Stations, to clarify regulations for recreational use of livestock and horses, to update zoning permit provisions to include compliance with uniform commercial code, to provide an additional general use permitted by conditional use in Part 17 in the Light Industrial area and to correct certain tables and provisions to include the Carversville Village Residential and Carversville Village Commercial Districts and correct certain cross-referenced sections.

**Res. 2017-106 – Upon a motion by Mr. Cosdon, and seconded by Mr. Baum Baicker, it was unanimously agreed to adopt the Omnibus Ordinance.**

Medical Marijuana Ordinance - Adopt

The PA State laws governing the growing, processing and distribution of medical marijuana have changed in recent months. The new laws require Solebury Township to modify their Zoning Ordinance to accommodate the medical marijuana laws.

The Ordinance has been reviewed and commented on by the Bucks County and Township Planning Commissions. Included in your packets are copies of the reviews.

**Res. 2017-107 – Upon a motion by Mr. Cosdon, and seconded by Mr. Baum Baicker, it was unanimously agreed to adopt the Medical Marijuana Ordinance.**

Ambulance Service Referendum Question

Mr. Morrissey provided an overview of the discussion held the last few weeks between the Board, the New Hope Borough Council and the members of the Central Bucks and Lambertville-New Hope Rescue Squads, the services provided and the costs involved. Mr. Morrissey then stated that at the Board

meeting on June 20, 2017, it was decided to direct the Township Solicitor to draft a referendum for the November election, asking residents to vote on an ambulance service tax of up to 1.1 mills to fund 24/7 Advanced Life Support (ALS) Ambulance Service for the Township. An important aspect of this service is that Solebury and New Hope will be sharing the cost and benefits of this new ambulance service.

The primary focus of this referendum is the spending level. Although there has been extensive review of these issues, specific service providers and how Solebury and New Hope share the cost of this service, that is not specified in the referendum. This provides the maximum amount of flexibility to both communities in the future. Although there is a 1.1 mil rate ceiling, we do not anticipate the ambulance spending level to reach that level. The average property tax increase will be in the range of approximately \$50 per household. The Board is hoping that the amount will be less than that.

The following is the referendum:

*Do you authorize the Township of Solebury to levy a tax of up to one and one-tenths (1.1) mills to fund 24-hour advanced life support, ambulance, and emergency services beginning in 2018?*

YES

NO

#### The Plain English Statement

The Township of Solebury would like to increase funding to provide for 24-hour advanced life support ambulance and emergency services. According to the Second Class Township Code of Pennsylvania, the Township may only provide for more than one-half mill of funding to an ambulance service if approved by referendum in accordance with the Pennsylvania Election Law. The question on this ballot is to determine if registered voters in Solebury Township authorize the Township to assess an annual tax of up to one and one-tenths (1.1) mills, which is equal to one dollar and ten centers per \$1,000 of assessed valuation of real property, for funding 24-hour advanced life support ambulance and emergency service for the Township. If approved, this increase of up to 1.1 mills will be passed on to taxpayers as an increase in property taxes.

Much discussion on the ambulance service ensued, with many questions from the Board and the public. Pat Pittore of the Lambertville New Hope Rescue Squad noted that they were very appreciative of the Board's efforts and offered this assistance in drafting the referendum question. The Board noted that it is important to maintain maximum flexibility on how ALS will be provided.

**Res. 2017-108 – Upon a motion by Mr. Cosdon, and seconded by Mr. Baum Baicker, it was unanimously agreed to authorize having the question placed on the November ballot.**

#### **VIII. NEW BUSINESS**

##### Volunteer Fire Companies – Discussion of Earned Income Tax Credit (EIT)

Mr. Carney provided an overview of PA Senate Bill 299 which provides for an EIT tax credit incentive for volunteer fire companies and nonprofit emergency medical services. Mr. Carney offered an alternative to the regular application process through the EIT tax collection agency, Keystone.

Mr. Carney proposed that the Board establish a stipend amount for any "active volunteer fire fighter" who resides in Solebury Township and volunteers for any of the three fire companies that service Solebury Township (New Hope Eagle, Midway and Point Pleasant). This stipend amount would be voted on at the beginning of each year and would be sent to the volunteer fire organizations for disbursement to the active volunteers that meet the established requirements for "active" designation. The Board welcomed the proposition and wished to continue the conversation at the regularly scheduled budget sessions later this year.

#### 2017 Budget Amendment

Mr. Morrissey reviewed the 2017 Budget Amendments (copy of which is attached to this document) noting which Funds were effected and by how much. This amendment is being completed in accordance with the Second Class Township Code, Section 3202(f). Mr. Baum Baicker noted that the increase in salary line items was due to the recent volume of police activity /work.

**Res. 2017-109 – Upon a motion by Ms. Tai, and seconded by Mr. Cosdon, it was unanimously agreed approve the 2017 Budget Amendment as documented.**

#### Disposal of Documents

Mr. Morrissey reviewed the Listing of Records to be Disposed (copy of which is attached to this document). In accordance with the Second Class Township Code, Section 802(3), the disposal of certain records of the Township is being purged in accordance with the ***Municipal Records Manual*** compiled by the Pennsylvania Historical & Museum Commission Bureau of Archives & History.

**Res. 2017-110 – Upon a motion by Mr. Baum Baicker, and seconded by Ms. Tai, it was unanimously agreed approve the disposal of the documents as noted on the Listing of Records to be Disposed.**

- IX. SUBDIVISIONS/LAND DEVELOPMENTS/CONDITIONAL USES – No application came before the Board.
- X. Public Comment – None
- XI. Adjournment

**Res. 2017-111 – Upon a motion by Mr. Morrissey, seconded by Ms. Tai, the meeting was adjourned at 10:10 p.m.**

Respectfully submitted  
Dennis H. Carney  
Township Manager / Secretary

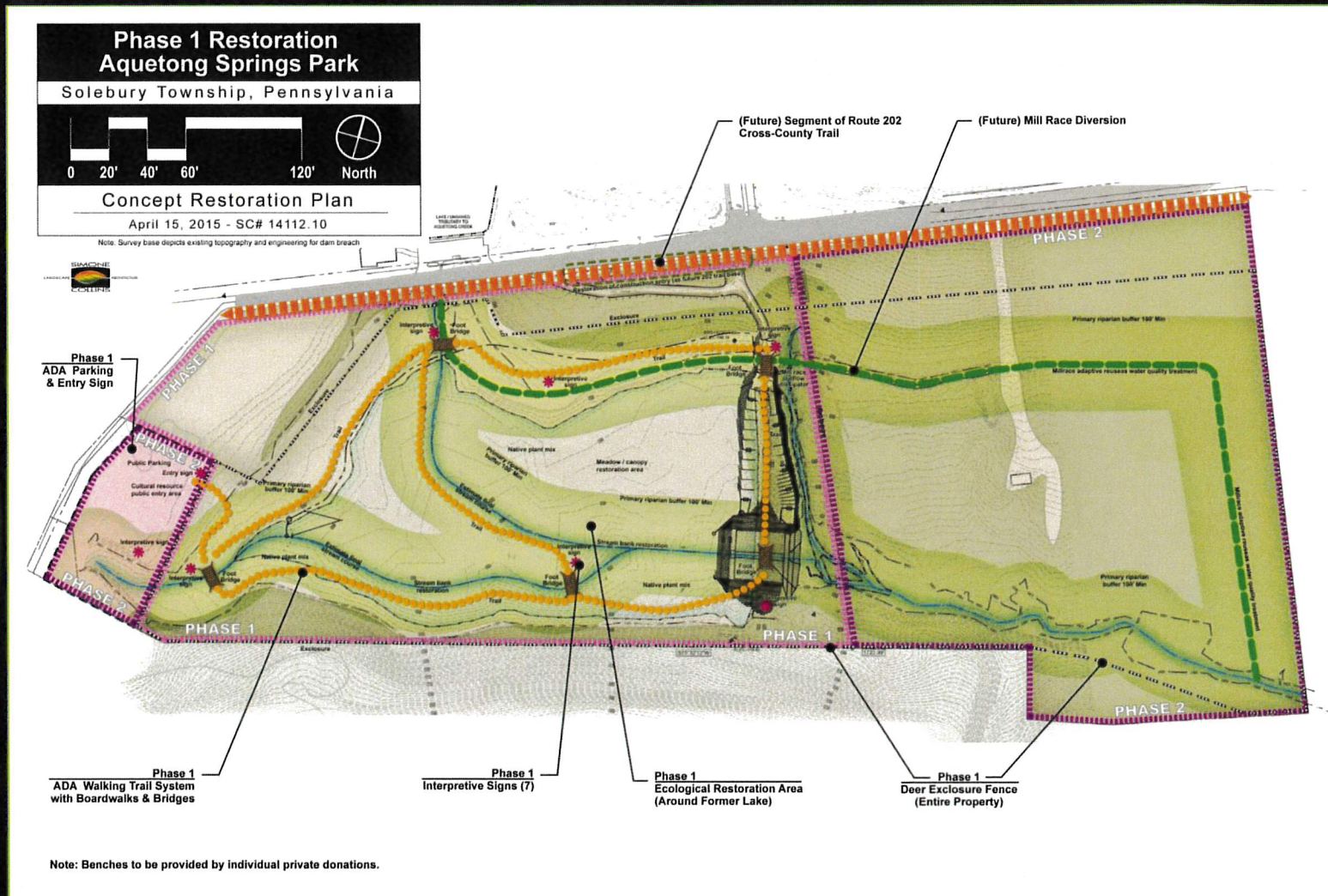
# RT. 202 CROSS-COUNTY TRAIL AQUETONG PARK SEGMENT

TRAIL + STORMWATER CONSTRUCTION STRATEGY

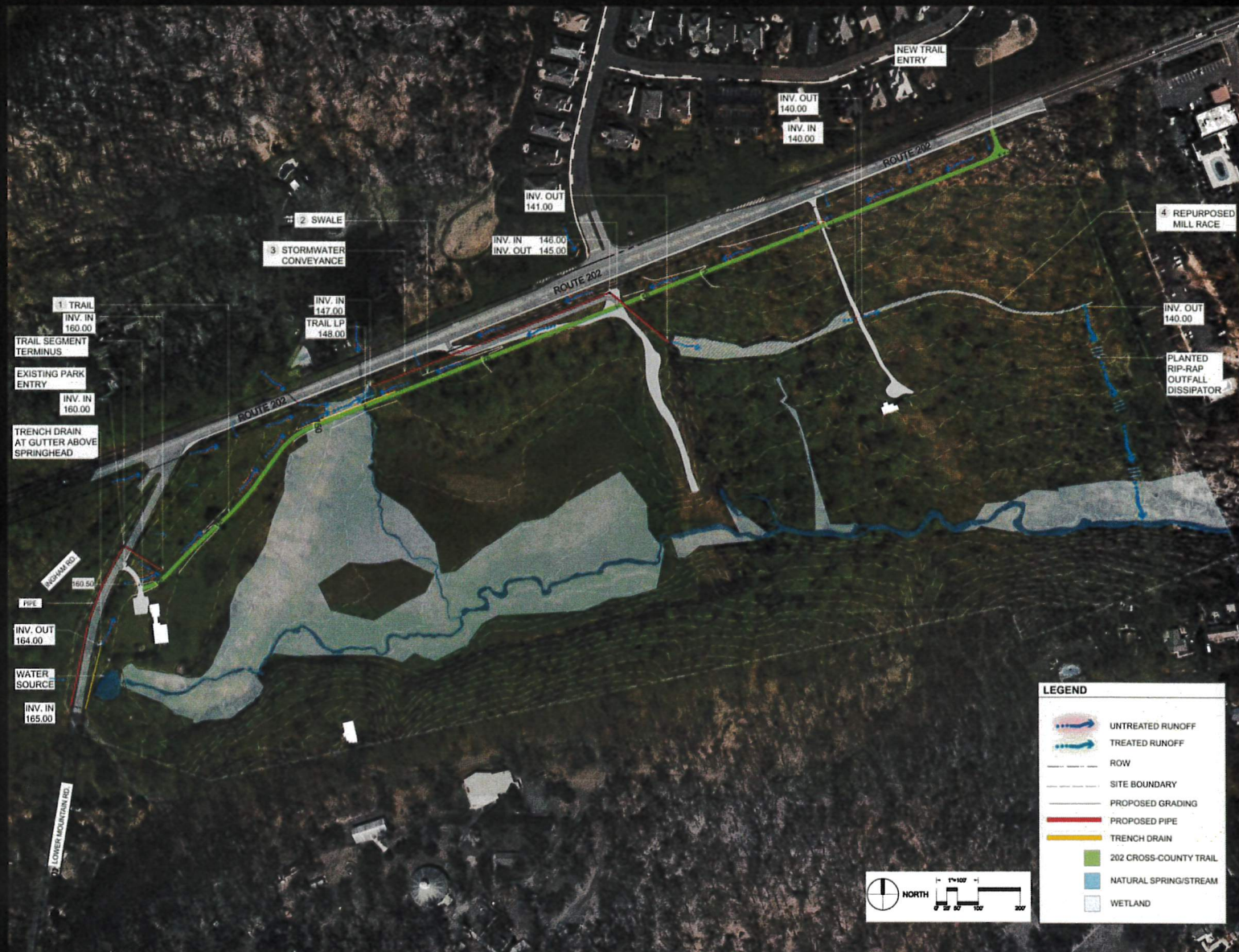
SOLEBURY TOWNSHIP  
BUCKS COUNTY, PENNSYLVANIA  
8/15/2017



# DCNR 2015 GRANT – Recreation Improvements (Phase 1)



# TA 2018 GRANT – Route 202 Trail / Stormwater Improvements



SIMONE COLLINS

# \$1.115 M CONSTRUCTION COST ESTIMATE – Preliminary

Rt. 202 Cross-County Trail - Aquetong Park Segment  
DRAFT  
Probable Cost Development

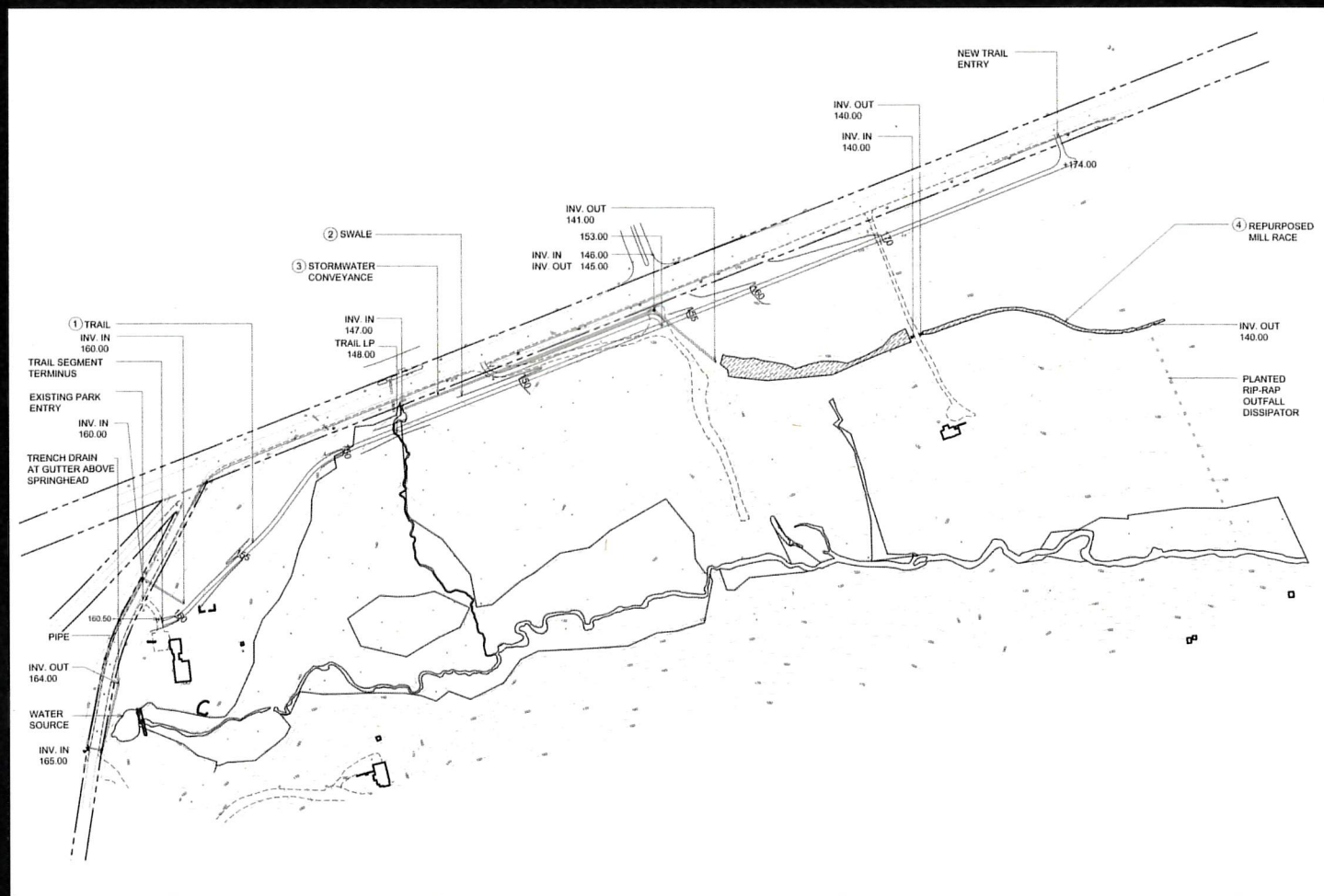
Rt. 202 Cross-County Trail  
8/15/2017  
SC # 16066.1

Solebury Township Cross-County Trail - Lower Mountain Rd. to Rt. 202 - Estimated Costs of Development				
Total Estimated Project Costs				\$ 1,114,073
Projected Cost Escalation (= 3%/yr Construction year 2020) (9%)				\$ 67,293
Construction Inspection (15%)				\$ 112,155
Subtotal - ALL CONSTRUCTION COSTS				\$ 934,625
Mobilization (10%)				\$ 74,770
Construction Surveying (5%)				\$ 37,385
Erosion and Sedimentation Control (10%)				\$ 74,770
Subtotal - WORK ITEMS				\$ 747,700
Work Item	Quantity		Unit Cost	Total Cost
Trail - Lower Mountain Rd. to Rt. 202				\$ 324,500
Stormwater Management/Conveyance System				\$ 362,000
Trail Features				\$ 61,200

General: 20% of total (TA) projects toward design / permits (= \$278,000)

Partner	Amount	Status	Amt avail toward design/permits
DCNR	\$250,000	Granted	\$50,000
DCED	\$250,000	App pending	\$25,000
ST	\$250,000	Committed	\$250,000
TU	\$ 50,000	Committed	\$ 0
Total	\$800,000		\$325,000

# PRELIMINARY GRADING STRATEGY



SIMONE COLLINS

**Solebury Township - 2017 Budget Amendment Request**

		Approved Budget	Proposed Amended Budget	+ / -	
<b>General Fund - 01</b>					
<b>Income</b>					
01.362.190.000	Plumbing	\$ 15,000	\$ 50,000	\$ 35,000	One-time permit fee of \$40,000 - Roadway Inn
01.380.400.000	Refund of Prior Year Expenses	\$ -	\$ 7,668	\$ 7,668	Amount determined from escrow reviews
01.380.500.000	Special Reveune - PD	\$ -	\$ 25,000	\$ 25,000	Donation to Police Dept. for equipment
01.300.310.210	Earned Income Tax	\$ 2,850,000	\$ 2,900,000	\$ 50,000	Anticipated Increase in EIT based on current trend
	<b>Net Increase to GF Revenue</b>			\$ 117,668	
<b>Expenses</b>					
01.400.402.311	Auditing Services	\$ 30,400	\$ 31,000	\$ 600	Typo in 2017 budget preparation
01.400.409.150	RE Tax for Chiesa Property	\$ -	\$ 850	\$ 850	Property donated in 2016; annual RE Taxes
01.410.408.140	PT Salaries - PD	\$ 55,000	\$ 65,000	\$ 10,000	Increase due to volume of police work.
01.410.408.183	Patrol - OT	\$ 35,000	\$ 45,000	\$ 10,000	Increase due to volume of police work.
01.410.410.183	Detective - OT	\$ 10,000	\$ 20,000	\$ 10,000	Increase due to volume of police work.
01.414.401.130	Full Time Salaries - Permitting	\$ 190,000	\$ 124,500	\$ (65,500)	Transfer Building Inspector/Zoning Officer Salary to Zoning
01.414.414.319	Zoning - Contracted Services	\$ 1,500	\$ 67,000	\$ 65,500	Offset to line above
01.414.413.319	Contracted Services - Inspections	\$ 25,000	\$ 50,000	\$ 25,000	Due to resignation of Building Inspector in Dec. 2016
01.414.414.450	Township Mailings	\$ -	\$ 6,000	\$ 6,000	Bamboo Ordinance Mailing; 9-1-1- Mailing
01.430.409.362	Propane - PW Building	\$ 4,000	\$ 10,000	\$ 6,000	Budget amount was estimated - New PW Building
01.430.420.183	Road Maintenance - OT	\$ 7,000	\$ 8,000	\$ 1,000	Due to number of Storms / clean-up required
01.488.424.465	Net Credit Card Fees	\$ -	\$ 500	\$ 500	Cost of doing business; budget amount was an estimate
01.492.425.476	Transfer to Park Capital	\$ 65,000	\$ 75,000	\$ 10,000	For Trail Project Design Expenses (more than planned)
01.492.425.471	Transfer to Capital Equipment	\$ 125,000	\$ 150,000	\$ 25,000	See PD Special Revenue above; transferred to Capital Equip.
	<b>Net Increase to GF Expenses</b>			\$ 104,950	
	<b>Net Increase / (Decrease) to Fund Balance</b>			\$ 12,718	
<b>Park &amp; Recreation Fund - 03</b>					
03.452.451.365	Solid Waste - Canal Park	\$ 2,000	\$ 3,600	\$ 1,600	Recycling containers were not budgeted for in 2017
	<b>Net Increase / (Decrease) to Fund Balance</b>			\$ (1,600)	
<b>Liquid Fuels Fund - 04</b>					
04.430.441.344	Material & Supplies - Storm Sewer	\$ 10,000	\$ 16,000	\$ 6,000	Anticipated expense for additional materials
04.430.444.344	Material & Supplies - Road Maint.	\$ 75,000	\$ 100,000	\$ 25,000	Anticipated expense for additional materials
	<b>Net Increase / (Decrease) to Fund Balance</b>			\$ (31,000)	
<b>Capital Projects Fund - 20</b>					
20.380.200.000	Miscellaneous Income	\$ -	\$ 40,000	\$ 40,000	Donations for Multi-Purpose Field
20.400.401.753	Multi-Purpose Field	\$ 30,000	\$ 110,000	\$ 80,000	Partial Off-set to donation line item; bids came in higher
	<b>Net Increase / (Decrease) to Fund Balance</b>			\$ (40,000)	
<b>Capital Equipment Fund - 22</b>					
22.392.010.000	Transfer from General Fund	\$ 125,000	\$ 150,000	\$ 25,000	Offset account to 01.492.425.471
22.410.435.331	PD - Police Equipment	\$ 13,600	\$ 46,500	\$ 32,900	PD received \$30,000 donation in 2016; \$25,000 in 2017. Funds are being utilized to pay for car cameras & accessories
	<b>Net Increase / (Decrease) to Fund Balance</b>			\$ (7,900)	
<b>Park Capital Fund - 24</b>					
24.392.010.000	Transfer In - General Fund	\$ 65,000	\$ 75,000	\$ 10,000	Additional funds for Trail Project Design Expenses
24.454.454.325	Trail Project Design	\$ -	\$ 10,000	\$ 10,000	Design Expenses
	<b>Net Increase / (Decrease) to Fund Balance</b>			\$ -	
<b>Debt Service Fund - 31</b>					
31.400.402.319	Contract Services - Debt	\$ 3,000	\$ 13,125	\$ 10,125	Moody's Rating Review Fee - originally to be rolled into Bond sale that did not occur in 2016; therefore Twp paid invoice in full
	<b>Net Increase / (Decrease) to Fund Balance</b>			\$ (10,125)	

**Listing of Records to be Disposed  
According to Municipal Records Manual  
August 15, 2017 BOS Meeting**

<u>Year</u>	<u>Item</u>
1996	Accounts Payable Invoices
1996	DCED Financial Report Filings
1997	DCED Financial Report Filings
1998	DCED Financial Report Filings
2000	Employee W-2s
2001	Earned Income Tax Submission Reports
2001	Accounts Payable Invoices
2001	Employee W-2s
2002	DCED Financial Report Filings
2002	Employee W-2s
2003	Employee W-2s
2003	Quarterly Payroll Tax Filings
2003	Earned Income Tax Submission Reports
2004	Employee W-2s
2004	Parks & Rec Timesheets, Police Time sheets
2004	Quarterly PMRS Pension Reports
2004	Earned Income Tax Submission Reports
2004	Tax Collector Reports of Receipts
2004	Tax Duplicates
2004	Unpaid Bill Reports by Vendor
2004	PEMA Police Time Sheets
2005	Employee W-2s
2005	VALIC Employee Contribution Listings
2005	Quarterly & Annual Payroll Earnings Reports
2005	Employee Timesheets
2005	Federal & State Payroll Tax Filings
2005	EIT Submission Reports
2005	Accounts Payable Invoices
2005	Voided Checks
2005	Earned Income Tax Submission Reports
2005	Tax Collector Reports of Receipts
2005	Accounts Receivable Listings
2005	PEMA Police Time Sheets
2006	Employee W-2s
2008	VALIC Employee Contribution Listings
2008	Accounts Payable Invoices
2008	Payroll Timesheets, General Ledger Reports & Tax Filings (941s)
2009	VALIC Employee Contribution Listings
2009	Payroll Timesheets, General Ledger Reports & Tax Filings (941s)
2009	Accounts Payable Invoices
2010	VALIC Employee Contribution Listings
2010	Payroll Timesheets, General Ledger Reports & Tax Filings (941s)