

SOLEBURY TOWNSHIP BOARD OF SUPERVISORS
January 17, 2023 – 6:00 P.M.
Solebury Township Hall/Virtual - Hybrid Meeting
MEETING MINUTES

Attendance: Mark Baum Baicker, Chair, Hanna Howe, Vice-Chair, John S. Francis, Robert McEwan, Kevin Morrissey, Christopher Garges, Township Manager, Michele Blood, Assistant Township Manager, and Catherine Cataldi, Secretary. Mark L. Freed, Township Solicitor, Maureen B. Carlton, Township Solicitor and Curtis J. Genner Jr. were also in attendance.

The recording device was turned on.

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

II. Approval of Bills Payable – December 20, 2022 and January 12, 2023

Res. 2023-21 – Upon a motion by Mr. Francis, seconded by Mr. McEwan, the list of Bills Payable dated December 20, 2022 and January 13, 2023 were unanimously approved as prepared and posted.

III. Approval of Meeting Minutes – December 13, 2022 Budget Meeting, January 3, 2023 Reorganization and January 5, 2023 Work Session-Establish Priorities

Res. 2023-22 – Upon a motion by Mr. McEwan, seconded by Ms. Howe, the Minutes of the December 13, 2022 Budget Meeting, January 3, 2023 Reorganization and January 5, 2023 Work Session-Establish Priorities were unanimously approved as prepared and posted.

IV. Announcements/Resignations/Appointments

Executive Session

The Board announced an Executive Session held January 17, 2023, prior to the meeting dealing with Legal Matters.

Appointment of Louise Levy, Jeanne Litwin and Scott Blank as Associate Member to the Environmental Advisory Council

The Board thanked the applicants.

Res. 2023-23 – Upon a motion by Mr. Baum Baicker, seconded by Mr. McEwan, it was unanimously agreed to appoint Louise Levy, Jeanne Litwin and Scott Blank, without compensation, as Associate Members to the Environmental Advisory Council for a term ending December 31, 2023.

Michael Warden – Service Plaque

Mr. Baum Baicker announced that the Service Plaque presentation will take place at the February 21, 2023 Board of Supervisors meeting.

2022 Township Accomplishments

The Board of Supervisors presented the accomplishments for 2022 (copy of which is attached).

V. Supervisor Comment – No Supervisor Comment

VI. New Business

New Hope Crushed Stone – Department of Environmental Protection (DEP) Act 14 Notice - Review Draft Comments and Authorize Township Manager to Respond to DEP

Mr. Freed presented an overview of events.

In December 2022 the Township received the Act 14 Notification of Primrose Creek Restoration Project in Solebury Township, PA. The project proposes to restore approximately 435 linear feet of Primrose Creek. The notice was provided under Act 14 which requires written notice to the Municipality and County in which the Facility is located. As a related matter Acts 67 & 68 direct State agencies to consider Comprehensive Plans and Zoning Ordinances when reviewing applications for permitting of facilities or infrastructure. At the January 5, 2023 meeting the Board authorized the Township Engineer to draft comments to the Act 14 Notice.

Mr. Morrissey gave background on the Quarry depth and water levels. Mr. Morrissey expressed support for the proposed plan as an initial step and expressed concerns for the proposed plan if it is the final water outflow design. Mr. Morrissey suggested the DEP halt the work until the Township and Community responses are considered.

Mr. Francis also expressed concerns for the proposed outflow and restoration design.

John DeAndrea, resident, questioned if the DEP is the driving force of this activity and what say does the Township have. Mr. Freed gave background on the Quarry closure, the Bond and the DEP's roles. Mr. Freed advised that under the law the Act 14 requires the Municipality to be notified and given a chance to comment. The DEP is required to look at and be consistent with the Township's Comprehensive Plan and Zoning Ordinance. If the parties are unsatisfied with the results, one ultimate recourse would be to challenge the department action to the Environmental Hearing Board.

Eric Mendola, resident, questioned what is planned for the Quarry. Mr. Freed advised that the proposed project is for the restoration of the Primrose Creek. The Quarry outflow structure is going to both govern how high the water level gets within the Quarry, as well as, how and where the water flows out of the quarry. Then the restoration into Primrose Creek and ultimately into the Delaware River.

Mr. Morrissey presented additional information regarding the quarry, including the current water level, emergency outflow structure and the proposed permanent outflow design. Mr. Morrissey expressed concern regarding the proposed DEP design of the outflow structure and the level of the water that will result in the lake. Mr. Mendola questioned how one could see the proposed plan.

Mr. Genner gave an overview of the proposed design.

Ms. Howe questioned who notifies the residents who may be directly affected when work is to proceed. Residents can sign up for alerts regarding certain applications through the DEP website. The DEP does not provide general notification besides possible publication in a newspaper. The Township is to post updates to the Township website.

Mr. DeAndrea questioned if controlled runoff was considered and the use for hydroelectric generation. Mr. Francis gave an overview of the change in water level of Primrose Creek throughout the year.

Res. 2023-24 – Upon a motion by Mr. Morrissey, seconded by Mr. Francis, it was unanimously agreed to authorize the Township Manager, Staff and Consultants to finalize the comments on the proposed Primrose Creek Restoration Project at the New Hope Crushed Stone property and submit them to the DEP within the thirty (30) day deadline of January 27, 2023.

Authorization to Order Pickup Trucks for Public Works

Mr. Francis questioned if the vehicles could be electric. Mr. Garges advised that the vehicles needed are unavailable as electric at this time.

Res. 2023-25 – Upon a motion by Mr. Baum Baicker, seconded by Ms. Howe, it was unanimously agreed to approve Staff to place an order for two pickup trucks on January 26, 2023 for an amount anticipated not to exceed \$150,000.

Acknowledgment of Audit of 2021 Financials – Supervisor McEwan

Mr. McEwan opened the topic with the following comments:

The Township’s Independent Auditors Report for fiscal year 2021 was received December 20, 2022. Normally, the report would be completed by June at the latest. However due to a software change, the Pennsylvania Municipal Retirement System (PMRS) delayed issuing their mandatory report until last in the calendar year. This occurred in 2020 as well. This late reporting affected all municipalities that have pension plans administered by PMRS.

Audit Highlights: 2021 was a fiscally sound year for Solebury Township. Earned Income Tax and Real Estate Transfer Tax collections exceeded budget, allowing the Township to end fiscal year 2021 with a positive net position.

Mr. McEwan encouraged those interested to read the Audit, which is posted to the Township web site, and refer questions to Michele Blood, Assistant Township Manager or any of the Supervisors.

Mr. McEwan thanked Michele for her great work, day in and day out, on the township’s financial affairs.

Draft Alternative Energy Ordinance – Discussion

Mr. Morrissey gave an overview of the draft Alternative Energy Ordinance. Mr. Morrissey recognized all the work done by the Solebury Township Planning Commission. Mr. Morrissey expressed interest in the Board considering an energy contact line to assist residents once the ordinance is implemented.

Mr. Francis recognized all the efforts that went into drafting the ordinance. Mr. Francis expressed support for alternative energy in a controlled way as to not interfere with neighbors. He suggested additions and changes to the ordinance and expressed interest in the Board agreeing on a version to be used by Zoning and Code Officials.

Mr. Baum Baicker commented on the Zoning Officers ordinance review. Concerns regarding enforcement, the types of structures, the Historical District and fee waivers were expressed.

Discussion ensued regarding the consolidation of the feedback received so far and holding an additional Energy/Climate Forum to receive additional community input and explanation of the tax benefits related to alternative energy.

Ms. Howe expressed support for moving forward but also an interest in doing everything necessary to make the draft ordinance strong and effective.

Mr. McEwan expressed concerns for the ordinance. He commented on the stand-alone ordinances, like Solar and Well, which are already in place or being worked on separately. Mr. McEwan expressed support for Solar at the Township building.

Ms. Howe questioned the benefit of an ordinance that is more of an umbrella. Ms. Carlton advised that the intent of this type of ordinance is for moral stance, to take a leadership role and to express the importance in alternative energy.

Shannon Pendleton, resident, expressed gratitude for the effort that was put into the ordinance so far. Ms. Pendleton questioned what harm there would be in removing any redundancies, moving forward, gathering comments and getting the document in place to be adopted. Then adjusting with emerging technologies and incentives. Ms. Pendleton commented on passive technologies and the local climate action plan. At the request of Mr. Francis, Ms. Pendleton presented examples of future-proofing and designing for emerging technologies, emerging legislation or emerging incentives. Ms. Pendleton presented a diagram (copy of which is attached) and discussed the difference between Code, Sustainable and Restorative.

Mr. McEwan questioned if any of the certifications discussed contain written ordinances for wells or solar and any guidance on writing ordinances. Ms. Pendleton suggested that the Township look at Municipalities that have adopted the metrics these are based on in the language of the code.

The Board is to forward comments to Mr. Garges by January 31, 2023. The document is to be updated then revisited at a future meeting.

Stan Marcus, resident, concerns the energy ordinance would have on the values associated with land preservation. Mr. Marcus commented on wind turbines.

VII. Subdivision/Conditional Uses/Land Development

DiNardo Minor Subdivision (Lot-Line Adjustment) – 5995 Lower York Road (TMP #41-008-036 & 41-008-036-001)

An extension was submitted. This topic will be heard at a future Board of Supervisors meeting.

VIII. Public Comment – No Public Comment

IX. Adjournment

The meeting was adjourned at 7:42 p.m.

Respectfully submitted,
Catherine Cataldi
Secretary



Solebury Township Achievement Summary – 2022

Introduction

During 2022, the Solebury Board of Supervisors addressed over 174 issues. Many of these topics required extensive additional meetings and analysis. The Board of Supervisors met a minimum of 39 times during the year. In addition, all Supervisors are liaison to multiple Township Committees which in total met at least 71 times this year. Additionally, Supervisors and Township staff participated in many community and individual resident meetings. Lastly, the Township Administration continued to provide the valuable service of addressing many community matters daily as well as coordinating the decisions made by the Board of Supervisors. The Zoom video interface continues to be an important meeting tool that supports this activity.

The price of goods, materials and services has risen sharply. Throughout this time the Township continued to make adjustments as has been done since the inception of the pandemic. Regardless of the difficulties presented to them, Solebury Township staff, resident committee members, consultants and Board of Supervisors worked as best and as flexibly as could be done to provide the support the community has expected from their local government.

Special mention should be made of the resident volunteer committees, Environmental Advisory Council, Historical Architectural Review Board, Human Relations Commission, Land Preservation Committee, Parks & Recreation Board, Planning Commission, Solebury Farm Committee, and Zoning Hearing Board. They continued to provide the foundation of many Township activities and decisions.

Although this report should be much longer to accurately describe all the achievements of those associated with Solebury Township, for readability sake, the following descriptions are a brief summary of accomplishments.

Financial Overview / Bond Rating

- Moody's again has rated the Township at Aa1 due to its strong financial position that consistently has been improving in recent years.
- The pandemic created an uncertain economic situation. Consequently, Township expenditures were reduced, eliminated, or deferred to sustain balanced budgets for 2022 and 2023.
- Sought proposals for audit services resulting in approximately \$20,000 in savings.

Township Administration

- Solebury Township appointed a new Township Manager in place of retired Dennis Carney and a new Public Works Director.
- The Township completed the installation of an additional monitor in the Main Meeting room as an enhancement to the viewing of presentations, documents at meetings.
- The Township is paying more vendors electronically to eliminate paper checks. Of approx. 275 regularly used vendors, 130 (47%) have been signed up for electronic type payments.
- Submitted approx. \$1 mil. worth of grant applications for four projects; (1) the Gateway Trail / Kitchens Lane Extension, (2) design grant for Route 202 / Lower Mountain Roads, (3) an update to the Park, Recreation & Open Space Plan, and (4) partial funding for an electric vehicle.
- The Township joined a successful County wide effort to argue against the proposal for BCW&SA to sell the County's Water system.

Land Preservation

- The Land Preservation Committee (LPC) has had discussions concerning 5 Solebury properties, 1 of these properties was preserved in 2022 adding an additional 43.09 acres.

Police Dept.

- Reaccredited for the third consecutive 3-year period by the Pennsylvania Chiefs of Police Accreditation. It is a means to evaluate and improve the SPD's overall performance. Approximately 10% of all PA police agencies have such an accreditation.
- The department's recruitment for two open positions resulted in over forty-five (45) applications which resulted in the hiring of two excellent officers to fill current vacancies.
- National Night Out was very successful with 500+ residents and families attending.
- Obtained a grant in the amount of \$38,000.00 to outfit, a special service, high-water vehicle.
- Purchased two additional portable radar speed display signs.
- Started participating in the Bucks County Police Assisting In Recovery (BPAIR)/Supporting Treatment and Recovery (STAR) program aimed toward assisting individuals seeking substance use disorder treatment by connecting them with resources, support, and services.
- Received a \$59,000.00 grant for a much more efficient records management system .

Roads, Bridges & Trails

- Paving / surface treatment on 11 roads. Several bridges were repaired.
- Ida Cleanup & Restoration - 500 tons of rock & stone placed in washed out areas as well as realignment of Cuttalossa Stream after it left its banks.
- From a grant, through the office of Senator Steve Santarsiero, to do culvert repair and cleaning in Carversville and has entered into an agreement with the National Park Service for "no-cost technical support to address impacts from Hurricane Ida including erosion and deposition" in the Paunacussing Creek.

Park & Recreation Dept.

- Completed analysis of the Township Rt. 202 community survey. The Board of Supervisors formed a committee to use the survey to guide the development of the property starting in 2023.
- Completed construction of a new softball scoreboard at Laurel Park softball field.
- Completion of a successful 5-week Summer Camp program at Pat Livezey Park.
- Completed a travel and recreation basketball program in the face of significant restrictions on indoor gym use and masking as the result of COVID-19.
- Participated, coordinated or sponsored 10+ major community events.
- Completed improvement of the T-Ball/ Robo-Ball/ Minor League baseball fields at Laurel Park.

Aquetong Spring Park

- Completion of stone grit and wood chips over the non-paved trails.
- Implementation of a celebration bench program resulting in the sale and installation of 18 benches and continued installation of educational park signs.
- Completion of tree planting, supported by Lower Delaware Wild & Scenic River Management Council grant.

Deer Management

- As of 11/2022, there were 974 deer harvested by USDA staff for the 2021-2022 season. Over 20,000 lbs of venison was donated to local food banks through a partnership with Hunters Sharing the Harvest of Pa. which reimbursed 50% of processing costs back to Solebury Township.

Route 202 Corridor

- Delaware Valley Regional Planning Commission (DVRPC) has added a future roundabout at the Kitchens Road / Route 179 / Route 202 intersection. Preliminary engineering has begun. However final design and construction is several years in the future.

Development

- The Planning Commission and Zoning Hearing Board have devoted extensive amount of time and energy with numerous applications, including Heritage Senior Care/New Cartwheel Development site, the Carversville Inn, Riverview Land Development Plan and Solebury School.
- Additional note should be given to the Planning Commission for the focused and extensive time given to the issue of alternative energy usage regulation in the Township.

New Hope Crushed Stone Quarry

- The former quarry pit is almost completely filled and is now an approx. 71 acre lake.
- The Township is continuing to meet with the DEP regarding water outflow structure development, revegetation of quarry area and Primrose Creek restoration

Sustainability

- Adopted the Energy Transition Plan.
- Held a Climate Action Forum in October which was well attended.
- The Board of Supervisors passed an ordinance that bans single use plastic.
- The Planning Commission provided a proposal to the Board of Supervisors a draft ordinance which will address the use of alternate energy in the Township.
- Water web site pages were consolidated and enhanced; bringing greater educational impact to the many water issues the Township deals with on a regular basis.

Historical review

- The HARB accomplished 20 application reviews, 14 full review applications, 6 RRIK applications (Repair and Replacement In-Kind)
- Average HARB response time for review and approval of RRIK applications was less than one day.

Zoning/Permitting

- On average, the Department issued permits in approximately 6 business days.
- Approx. 50 old permits (2020 or prior) were inspected and received a certificate of occupancy.
- The Township responded to 40 property complaints.
- The Township issued 585 permits (as of 11/29/22).
- The Township issued 274 Certificates of Occupancy (as of 11/29/22).

Farming

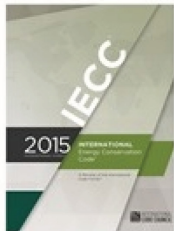
- The Solebury Farm Committee initiated a work plan with Land Trust of Bucks County to provide a “Land Owner – New Farmer” match application on the Land Trust’s server.



LIVING BUILDING CHALLENGE™



Passive House Institute US



CERTIFIED



SILVER



GOLD



PLATINUM



Code

Sustainable

Restorative