

**SOLEBURY TOWNSHIP BOARD OF SUPERVISORS**

February 15, 2022 – 6:00 P.M.

**Virtual Meeting**

**BUDGET MEETING MINUTES**

Attendance: Mark Baum Baicker, Chair, John S. Francis, Vice-Chair, Hanna Howe, Robert McEwan, Kevin Morrissey, Dennis H. Carney, Township Manager, Michele Blood, Assistant Manager, and Catherine Cataldi, Secretary. Mark L. Freed, 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 – February 10, 2022**

**Res.2022-30 – Upon a motion by Mr. Francis, seconded by Mr. McEwan, the list of Bills Payable dated February 10, 2022 was unanimously approved as prepared and posted.**

**III. Approval of Meeting Minutes – January 6, 2022 Work Session, January 18, 2022 Meeting, and February 1, 2022 Meeting**

Mr. Baum Baicker announced that the Approval of Meeting Minutes – January 6, 2022 Work Session were continued to the March 1, 2022 Board of Supervisors’ meeting.

**Res.2022-31 – Upon a motion by Mr. McEwan, seconded by Mr. Francis, Minutes of the January 18, 2022 and February 1, 2022 meetings were unanimously approved as prepared and posted.**

**IV. Announcements/Resignations/Appointments**

Executive Session

The Board announced Executive Sessions held February 8, 2022, February 9, 2022 and February 11, 2022 dealing with Personnel Matters.

Appointment of C.L. Lindsay to the Environmental Advisory Council

**Res. 2022-32 – Upon a motion by Mr. Baum Baicker, seconded by Mr. McEwan, it was unanimously agreed to appoint C.L. Lindsay, resident, without compensation, to the Solebury Township Environmental Advisory Council to fill the vacancy resulting from the resignation of Joseph Kubiak for term ending December 31, 2022.**

Appointment of Philip Getty to the Environmental Advisory Council

**Res. 2022-33 – Upon a motion by Mr. Baum Baicker, seconded by Ms. Howe, it was unanimously agreed to appoint Philip Getty, resident, without compensation, to the Solebury Township Environmental Advisory Council for term ending December 31, 2024.**

Appointment of John DeAndrea as Associate Member to the Planning Commission

**Res. 2022-34 – Upon a motion by Mr. Baum Baicker, seconded by Mr. Francis, it was unanimously agreed to appoint John DeAndrea, resident, without compensation, as Associate Member to the Solebury Township Planning Commission for term ending December 31, 2022.**

Appointment of Jeff Tucker as Alternate Member to the Zoning Hearing Board

**Res. 2022-35 – Upon a motion by Mr. Baum Baicker, seconded by Ms. Howe, it was unanimously agreed to appoint Jeff Tucker, resident, without compensation, as Alternate Member to the Solebury Township Zoning Hearing Board for term ending December 31, 2024.**

**V. Supervisor Comment** – Supervisor Comment was moved to the end of the meeting.

**VI. Public Comment** - Early Public Comment was moved to the end of the meeting.

**VII. Public Hearing**

Conditional Use - Heritage Senior Living Facility and New Cartwheel Partners (6554 thru 6558 Lower York Road (US Route 202), TMP#'s 41-022-144, 41-022-144-001, 41-022-144-002 and 41-022-153)

The public hearing was opened by Mark Freed, Township Solicitor. A court stenographer was present to record the testimony.

The applicants were represented by Edward F. Murphy, Esq. and Gregory R. Glitzer, P.E.

No party status was requested.

Following an overview of the project, testimony, conversation between the Board and applicant, and public comments the hearing was closed following the Subdivision (Lot Line Change) and Land Development.

**VIII. Subdivision/Condition Uses/Land Development**

Subdivision (Lot Line Change) and Land Development - Heritage Senior Living Facility and New Cartwheel Partners (6554 thru 6558 Lower York Road (US Route 202), TMP#'s 41-022-144, 41-022-144-001, 41-022-144-002 and 41-022-153)

The applicants are requesting to merge Tax Map Parcel numbers 41-022-144, 41-022-144-001 and 41-022-144-002 into two parcels.

**Res.2022-36 – Upon a motion by Mr. Baum Baicker, seconded by Mr. Morrissey, it was unanimously agreed to approve the Preliminary/Final Lot Line Change and Land Development Plan and Conditional Use Application submitted by Heritage Senior Living and New Cartwheel Partners (Applicant) for 6554 thru 6558 Lower York Road, and grant the list requested waivers as revised on November 16, 2021, subject to the following conditions:**

- That the Applicant resolve all outstanding items contained within the January 27, 2022 review letter from the Pennsylvania Department of Transportation
- That the Applicant resolve all outstanding items (comments and recommendations) contained within in the December 27, 2021 review memorandum from the Township Engineer, Wynn Associates, Inc.
- That the Applicant resolve all outstanding items contained in the September 3, 2021, review letter from the Township Zoning Officer
- That the Applicant resolve all outstanding items contained within the September 1, 2021 and February 14, 2022 review letters from the Township Traffic Consultant, McMahon & Associates
- That the Applicant resolve all outstanding items contained within the September 14, 2021 review letter from the Township Planning Consultant, Simone Collins

- That the Applicant resolve all outstanding items contained within the March 12, 2021 Bucks County Planning Commission Letter
- That the Applicant enter into a Reservation of Capacity Agreement and Water Service Agreement with Bucks County Water & Sewer Authority for water and sewer service required for the project
- That the Applicant obtain approval of Sewage Facilities Modules to amend the Township Act 537 Plan for the project from the Pennsylvania Department of Environmental Protection
- That the Applicant comply with the rules, regulations and ordinances of Solebury Township, the Commonwealth of Pennsylvania, the United States government, including, but not limited to, the Solebury Township Zoning Ordinance and Subdivision and Land Development Ordinance
- That the Applicant otherwise comply with all applicable building and environmental regulations, including local, state and federal requirements, including but not limited to, the American with Disabilities Act
- That the Board will issue a written opinion or letter of decision in lieu of a formal opinion on the Conditional Use Application and a written letter of decision on the Preliminary/Final Lot Line Change and Land Development Plan, each of which may contain additional conditions.

**IX. New Business**

Land Preservation – Resolution for Approval of Acquisition of Conservation Easement on the Mageras Property (6234 Pidcock Creek Road, TMP # 41-036-134, 41-036-135, 41-036-136)

The proposed resolution (copy of which is attached) of the Board of Supervisors of Solebury Township authorized the acquisition of a conservation easement on 43.081 acres comprising Tax Map Parcel Nos. 41-036-134, 41-036-135, 41-036-136.

**Res.2022-37 – Upon a motion made by Mr. Baum Baicker, seconded Mr. Francis, it was unanimously agreed to approve the Resolution for Approval of Acquisition of Conservation Easement on the Mageras property (6234 Pidcock Creek Road, TMP # 41-036-134, 41-036-135, 41-036-136).**

Authorize to Bid – Road Program

Steven Worth, resident, questioned if the Township would consider the paving of Old Carversville Road.

**Res. 2022-38 – Upon a motion by Mr. Francis, seconded by Mr. McEwan, it was unanimously agreed to authorize to bid the 2022 Road Program as noted below:**

- **Paving**
  - Stovers Mill Road – 5997 to Street Road
  - Covenant Court
  - Atkinson Road
  - Sugas Close Drive
  - Ingham Way
  - Parchment Drive
- **Tar & Chip**
  - Covered Bridge Road
  - South Sugas (Twp. line to Aquetong Road)
  - Paunacussing Creek Road
  - School Lane
  - Heather Drive – ½ & ¼ Fog Seal

**X. Supervisor Comment – No Supervisor Comment**

## **XI. Public Comment**

- Ed McGahan, resident, commented on open space. Mr. McGahan expressed interest in the Township requesting public feedback at a meeting.
- Stephen Worth, resident, commented on Old Carversville Road. Mr. Worth's request to play a one-minute video of Old Carversville Road was granted. Mr. Worth expressed interest in the paving of Old Carversville Road.
- Ken Dominski, resident, expressed interest in the paving of Old Carversville Road.
- Anthony Calvitti, resident, expressed interest in the paving of Old Carversville Road.
- Wayne Yetter, resident, expressed interest in the paving of Old Carversville Road.
- Thomas Patterson, resident, commented on the video shown by Mr. Worth. Mr. Patterson expressed support in Old Carversville Road remaining a historic gravel road.
- Noel Barrett, resident, expressed support in Old Carversville Road remaining a historic gravel road.
- Susan Whitman, resident, expressed support in Old Carversville Road remaining a historic gravel road.
- Phyllis Haldeman, resident, commented on the daily issues of paved Carversville Road. Ms. Haldeman expressed support in Old Carversville Road remaining a historic gravel road.
- Mr. Worth commented on the costs to pave Old Carversville Road and impacts of a gravel road.
- Mr. Dominski expressed interest in improvements on Old Carversville Road.

## **XII. Adjournment**

The meeting was adjourned at 7:38 p.m.

Respectfully submitted,  
Catherine Cataldi  
Secretary

**RESOLUTION NO. 2022-37**

**RESOLUTION OF THE BOARD OF SUPERVISORS  
OF SOLEBURY TOWNSHIP AUTHORIZING THE ACQUISITION OF A  
CONSERVATION EASEMENT ON PARCEL NUMBERS 41-036-134, 41-036-135  
AND 41-036-136, COMPRISING 43.081 ACRES IN SOLEBURY TOWNSHIP,  
BUCKS COUNTY, PENNSYLVANIA**

**BACKGROUND**

**WHEREAS**, Pennsylvania Second Class Township Boards of Supervisors are charged with the responsibility to ensure the sound health, safety and welfare of the citizens of the township (Second Class Township Code, 53 P.S. § 65607).

**WHEREAS**, Pennsylvania Second Class Township Boards of Supervisors are authorized to make and adopt ordinances, bylaws, rules and regulations not inconsistent with or restrained by the Constitution and laws of this Commonwealth necessary for the proper management, care and control of the Township and its finances and the maintenance of peace, good government, health and welfare of the Township and its citizens (Second Class Township Code, 53 P.S. § 66506).

**WHEREAS**, Section 1502(a) of the Second Class Township Code, 53 P.S. § 66502(a), authorizes townships of the Second Class to purchase, acquire by gift or otherwise, hold, lease, let and convey, by sale or lease, any real and personal property it judges to be to the best interest of the Township.

**WHEREAS**, the Board of Supervisors of Solebury Township has determined that acquiring conservation easements on properties within the Township which possess significant agricultural, natural resources, and/or scenic value is in the best interest of the Township and its residents.

**WHEREAS**, the Board of Supervisors of Solebury Township has determined that the property identified as Parcel Number 41-036-134, 41-036-135 and 41-036-136, located at 6234 Pidcock Creek Road in Solebury Township and totaling approximately 43.081 acres (the "Property") possesses agricultural, natural and scenic resources worthy of protection.

**WHEREAS**, the owners of the Property are James S. and Adrienne W. Mageras ("Owners"), who desire to convey to the Township and to the Land Trust of Bucks County a conservation easement on the Property (the "Conservation Easement"), all as more fully set forth herein.

**WHEREAS**, the Board of Supervisors of Solebury Township has determined that it is in the public interest of the residents of the Township to acquire the Conservation Easement.

**WHEREAS**, Owners have agreed to convey the Conservation Easement on the Property to the Township for the total sum of Four Hundred Sixty-Five Thousand Dollars (\$465,000.00) (the "Purchase Price") with the remaining value of the Conservation Easement being donated as a gift.

**WHEREAS**, an appraisal of the value of the Conservation Easement was obtained from Indian Valley Appraisal Company, General Certified Appraisers, which appraisal supports the Purchase Price being paid by the Township for the Conservation Easement.

**WHEREAS**, the Board of Supervisors, by approval of this Resolution, approves acquisition of the Conservation Easement.

**NOW THEREFORE, BE IT RESOLVED** by the Board of Supervisors of Solebury Township, Bucks County, Commonwealth of Pennsylvania, as follows:

1. The Township is hereby authorized to acquire the Conservation Easement on the Property.

2. The Township is hereby authorized to pay the sum of Four Hundred Sixty-Five Thousand Dollars (\$465,000.00) for the purchase of the Conservation Easement.

3. Any one of the Supervisors named in paragraph 4 below are hereby authorized to execute on behalf of the Township, upon the advice of the Township Land Preservation Solicitor, all documents reasonably required to effect settlement of the purchase of the Conservation Easement, including but not limited to the following documents:

A. A Grant of Conservation Easement and Declaration of Covenants (“Grant of Conservation Easement”) substantially in the form attached hereto as **Exhibit A**, and any revision or addendum to the Grant of Conservation Easement recommended by the Township Solicitor.

B. An Agreement of Sale for Conservation Easement (“Agreement of Sale”) substantially in the form attached hereto as **Exhibit B**, and any revision or addendum to the Agreement of Sale recommended by the Township Land Preservation Solicitor.

C. A Settlement sheet.

D. A Buyer’s Affidavit as may be required by a reputable title insurance company.

E. Any other documents incidental to or reasonably necessary to affect the purchase of the Conservation Easement.

4. The names of the Supervisors, any one of which is authorized to execute the aforesaid documents, are: Mark Baum Baicker, John S. Francis, Hanna Howe Robert McEwan and Kevin Morrissey.

5. Additionally, Jean Weiss, the Solebury Township Open Space Administrator, is authorized to execute on behalf of the Township, on the advice of the Township Solicitor, any and all documents required for settlement of the purchase of the Conservation Easement on the Property by the Township.

THIS RESOLUTION has been duly adopted by the Board of Supervisors of Solebury Township at a public meeting held this 15th day of February, 2022.

SOLEBURY TOWNSHIP  
BOARD OF SUPERVISORS

ATTEST:

Catherine Cataldi  
Date: February 15, 2022

By: \_\_\_\_\_  
Mark Baum Baicker, Chair

By: John S. Francis  
John S. Francis, Vice-Chair

By: Robert McEwan  
Robert McEwan

By: \_\_\_\_\_  
Kevin Morrissey

By: Hanna Howe  
Hanna Howe

Exhibit A Conservation Easement





Exhibit B Agreement of Sale