

**SOLEBURY TOWNSHIP BOARD OF SUPERVISORS**  
April 18, 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, Kevin Morrissey, Christopher Garges, Township Manager, Michele Blood, Assistant Township Manager, and Catherine Cataldi, Secretary. Mark L. Freed, Township Solicitor was also in attendance.  
Absent: Robert McEwan

The recording device was turned on.

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

**II. Approval of Bills Payable – April 13, 2023**

**Res. 2023-58 – Upon a motion by Mr. Francis, seconded by Ms. Howe, the list of Bills Payable dated April 13, 2023 was unanimously approved as prepared and posted.**

**III. Approval of Meeting Minutes – April 4, 2023 Meeting**

**Res. 2023-59 – Upon a motion by Ms. Howe, seconded by Mr. Francis, the Minutes of the April 4, 2023 Meeting were unanimously approved with the adjournment time correction.**

**IV. Announcements/Resignation/Appointments**

Executive Session

The Board announced an Executive Session held April 18, 2023 dealing with a Zoning Matters.

**V. Supervisor Comment**

- Mr. Baum Baicker commented on the 11th Annual Robert Nagg Memorial Soccer Game and Fundraiser to be held on Saturday, May 13, 2023, from 3:00 to 5:15 p.m., rain or shine, at the New Hope-Solebury High School Stadium field. Solebury Township Parks & Recreation was the original sponsor of this event which started in 2013 and has continued as an event sponsor each year since.  
The game will be held in collaboration with the St. Baldrick's Day Community Fair for pediatric cancer research, being held at the NH-S UES on the same day from 10:00 a.m. to 3:00 p.m.
- Mr. Baum Baicker congratulated Christopher Garges, Township Manager on completing his eighteenth Boston Marathon.

**VI. Presentation**

Solebury Township Police Department – Swear in of Officer

Officer Joshua Brooks was sworn in as full-time police officer with the Solebury Township Police Department by Magisterial District Judge Maggie Snow.

Solebury Township Police Department Commendations – Chief Dominick Bellizzie

Chief Dominick Bellizzie presented a commendation to Detective/Corporal Jonathan Koretzky in recognition of his diligent investigation efforts.

Chief Dominick Bellizzie presented commendations to Detective/Corporal Jonathan Koretzky, Officer Sean Murrin, Officer Matthew Rice, Officer Patrick Dorsey, Officer Brendan Murphey and K9 Blitz for their finest qualities of teamwork and excellence expressed during the execution of a high-risk arrest warrant.

## **VII. Public Hearing**

### Historical Architectural Review Board – Certificate of Appropriateness – Michael Polios (2598 River Road, TMP # 41-030-006)

*Upon a Motion by Larry Peseski, seconded by CL Lindsay, it was unanimously agreed to accept the application as presented and recommend issuance of a Certificate of Appropriateness to TMP #41-030-006 as follows:*

- 1. Hardy Plank siding to be replaced with Acre siding (same color and dimensions)*
- 2. Downspouts will be smooth/round and affixed.*
- 3. Garage doors will be 8'x 8' solid wood and custom made.*

Mr. Francis expressed interest in the Historical Architectural Review Board addressing appropriate guidelines for buildings within the historic district, but which are more modern/mid-century. Current guidelines are targeted to older historic homes and are not considerate of newer properties.

**Res. 2023-60 – Upon a motion by Mr. Baum Baicker, seconded by Mr. Francis, it was unanimously agreed to authorize the Certificate of Appropriateness to TMP # 41-030-006, 2598 River Road, as per the recommendations from the Historical Architectural Review Board. Issuance of the Certificate of Appropriateness does not relieve the applicant from obtaining any and all applicable permits prior to commencement of work.**

### Historical Architectural Review Board – Certificate of Appropriateness – Scott Blank (3786 Aquetong Road, TMP # 41-004-040)

*Upon a Motion by Larry Peseski, seconded by CL Lindsay, it was unanimously agreed to accept the application as presented (with the exception of the solar panel portion of the application, which has been continued) and recommend issuance of a Certificate of Appropriateness to TMP #41-004-040 as follows:*

- 1. Roof shall be 1-inch metal standing seam and dark brown in color.*
- 2. Storm windows shall be custom made of wood to fit exact rail measurements, and mullions as well.*

**Res. 2023-61 – Upon a motion by Mr. Baum Baicker, seconded by Ms. Howe, it was unanimously agreed to authorize the Certificate of Appropriateness to TMP # 41-004-040, 3786 Aquetong Road, as per the recommendations from the Historical Architectural Review Board. Issuance of the Certificate of Appropriateness does not relieve the applicant from obtaining any and all applicable permits prior to commencement of work.**

Revision to Single-Use Plastic Ordinance – Authorization to Adopt  
Mr. Freed presented exhibits.

**Res. 2023-62 - Upon a motion by Mr. Francis, seconded by Mr. Morrissey, it was unanimously agreed to adopt AN ORDINANCE OF THE TOWNSHIP OF SOLEBURY, BUCKS COUNTY, PENNSYLVANIA, SOLEBURY TOWNSHIP ORDINANCE REGARDING THE USE OF REUSABLE BAGS AND PROHIBIT THE USE OF SINGLE-USE CARRY-OUT PLASTIC BAGS AND OTHER SINGLE-USE PLASTIC IMPLEMENTS (copy of which is attached).**

#### **VIII. Subdivision/Land Development**

Subdivision/Land Development – Natalie Hamill and Josh Perlsweig (3211 & 3175 Sugan Road, TMP #s 41-013-046 & 41-022-015-001)

The applicants, Natalie Hamill and John Perlsweig located at 3211 & 3175 Sugan Road, TMP #s 41-013-046 & 41-022-015-001 are proposing to redevelop an existing residential lot for use as an Accessory Farm Stand for the adjacent farm property under Conservation Easement.

*A motion was made by TJ Francisco and seconded by Dan Fest to recommend conditional approval of the subdivision (lot consolidation) and land development project #23-609, subject to conditional approval of requested waivers as indicated in Wynn Associates memorandum dated March 3, 2023, the widened driveway as shown on the Gilmore & Associates sketch dated March 14, 2023, all comments and recommendations in the Wynn Associates memorandum dated March 3, 2023, Simone Collins memorandum dated February 23, 2023, McMahan Associates memorandum dated March 2, 2023 and email dated April 6, 2023 and Solebury Township Zoning Officer memorandum dated March 6, 2023, and subject to Board consideration of fee in lieu of requested waivers.*

Motion was presented by Mr. Francis, seconded by Mr. Baum Baicker, to authorize conditional approval of the subdivision (lot consolidation) and land development project #23-609, subject to conditional approval of requested waivers as indicated in Wynn Associates memorandum dated March 3, 2023, the widened driveway as shown on the Gilmore & Associates sketch dated March 14, 2023, all comments and recommendations in the Wynn Associates memorandum dated March 3, 2023, Simone Collins memorandum dated February 23, 2023, McMahan Associates memorandum dated March 2, 2023 and email dated April 6, 2023 and Solebury Township Zoning Officer memorandum dated March 6, 2023.

Mr. Freed commented on the provisions in the Township Ordinance regarding fee in lieu. Joe Blackburn, Counsel for the applicants agreed with Mr. Freed regarding the fee in lieu.

Mr. Morrissey thanked Township Staff and Committee members for their time and efforts reviewing and analyzing this project.

Mark Schmuckler, resident, presented concerns and questions regarding the presented project (copy of which is attached).

Ron Norton, resident, expressed safety concerns regarding accessing the property onto and from Sugan Road.

Sam Marlow, resident, expressed support for the proposed project.

Dave Cabelus, resident, expressed support for the proposed project.

Gary Manoff, resident, expressed support for the proposed project.

Jackie Sofia, resident, expressed traffic safety concerns. Ms. Sofia suggested requiring a safety scope and speed study prior to approval.

Nolan Trow, resident, thanked the Township for the time taken to review the application. Mr. Trow expressed concerns for property value and traffic issues. Mr. Trow suggested a site visit and questioned the enforcement of regulations set by the Township.

Lars Crooks, resident, expressed support for the proposed project.

Additional public comment made online is attached.

Mr. Baum Baicker questioned PennDOT review. Mark Roth, Township Traffic Engineer gave background of reviews and requirements.

Mr. Morrissey questioned why a fence was not considered instead of a berm installation. Discussion ensued between the Board, Township Consultants and Counsel for the applicants. Applicants are open for additional dialogue. Mr. Blackburn commented on the list of waivers presently before the Board, including the requested waiver to permit the fence. Mr. Blackburn suggested the Board grant the waiver conditioned upon it ultimately being to the satisfaction of the Township Professionals. Then the dialogue on what is preferable can be made.

**Res. 2023-63 – Upon a motion by Mr. Baum Baicker, seconded by Mr. Morrissey, it was unanimously agreed to amend the original motion to add the requirement that there be a berm or shadow box fence installed to the satisfaction of the Township.**

Ms. Sofia expressed support to discuss the shadowbox fence with the residents.

Mr. Francis asked Mr. Freed to clarify the Zoning Hearing Board Appeal. Mr. Freed explained that the appeal does not act as a stay for the application that is in front of the Board. Mr. Freed gave an overview of the requirements of applications submitted to the Township.

Mr. Schumkler questioned if there were was a scoping document requested and if the PennDOT review is a condition of approval. Mr. Genner clarified that comment twenty-one (21) of the Wynn Associates Memo states: Driveway access points and frontage improvements are subject to review and approval by PennDOT, and municipality requirements of Section 27-2512.12 (i.e. greater than level of service “C” for streets) of the Zoning Ordinance. Mr. Genner also clarified that comment Twenty-two (22) required the applicant to obtain a PennDOT Highway Occupancy Permit (HOP) Permit. Mr. Roth commented on the requirements of scoping applications. Mr. Schumkler questioned a speed study. Mr. Roth explained the request for PennDOT review. The process of review and what it entails is up to PennDOT.

Ms. Howe addressed the concept that the Board is making decisions based on personal feelings. Ms. Howe gave an overview of the process and time spent by Committees, Township Staff, Township Consultants and Township Supervisors which result in the decisions made by the Board of Supervisors. Ms. Howe expressed gratitude for the process and the trust of the community to make decisions.

**Res. 2023-64 – Upon a motion by Mr. Francis, seconded by Mr. Baum Baicker, it was unanimously agreed to authorize conditional approval of the subdivision (lot consolidation) and land development project #23-609, subject to conditional approval of requested waivers as indicated in Wynn Associates memorandum dated March 3, 2023, the widened driveway as shown on the Gilmore & Associates sketch dated March 14, 2023, all comments and recommendations in the Wynn Associates memorandum dated March 3, 2023, Simone Collins memorandum dated February 23, 2023, McMahon Associates memorandum dated March 2, 2023 and email dated April 6, 2023, Solebury**

**Township Zoning Officer memorandum dated March 6, 2023 and the requirement that there be a berm or shadow box fence installed to the satisfaction of the Township.**

**IX. New Business**

Authorization to Bid - Road Program

**Res. 2023-65 – Upon a motion by Ms. Howe, seconded by Mr. Francis, it was unanimously agreed to authorize to bid the 2023 Road Program as noted below:**

- **Paving**
  - **Peddlers View – S.R. 202 Side**
  - **Red Fox (Development)**
  - **Cornwell Drive**
- **Oil & Chip**
  - **Cuttalossa Road – (improved section)**

Logo Guidelines

Discussion ensued on the requested creation of logo guidelines. Township Administration suggested hiring a graphic designer. The graphic designer would be asked to utilize the current logo as a “base” logo for additional logos created for committees, etc. The vision is that the current “Solebury” text and circular logo would remain for all logo’s and committee logos would replace “a natural choice” with the name of the committee and add the committee specific logo to the other side.

Mr. Francis and Mr. Morrissey expressed support for the standardized logo.

John DeAndrea, resident, commented on the future with AI technology.

**Res. 2023-66 – Upon a motion by Mr. Baum Baicker, seconded by Ms. Howe, it was unanimously agreed to hire a graphic designer for the purpose of consulting on logo use by the Committees as described.**

Consideration of joining DVRPC’s regional application to the Federal Highway Administration (FHWA) Charging and Fueling Infrastructure (CFI) Program

Delaware Valley Regional Planning Commission (DVRPC) is preparing a regional application to the Federal Highway Administration (FHWA) Charging and Fueling Infrastructure (CFI) Program, and invited Solebury Township to participate. The Board unanimously agreed that additional information is needed before a decision can be made on this topic.

**X. Public Comment – No Public Comment**

**XI. Adjournment**

The meeting was adjourned at 7:45 p.m.

Respectfully submitted,  
Catherine Cataldi  
Secretary

**ORDINANCE NO. 2023-002**

**AN ORDINANCE OF THE TOWNSHIP OF SOLEBURY,  
BUCKS COUNTY, PENNSYLVANIA AMENDING  
SOLEBURY TOWNSHIP ORDINANCE REGARDING THE  
USE OF REUSABLE BAGS AND PROHIBIT THE USE OF  
SINGLE-USE CARRY-OUT PLASTIC BAGS AND OTHER  
SINGLE-USE PLASTIC IMPLEMENTS**

**WHEREAS**, Section 1601 of the Second Class Township Code provides that the Board of Supervisors may adopt Ordinances in which general or specific powers of Solebury Township (“Solebury” or the “Township”) may be exercised, and, by the enactment of subsequent Ordinances, the Board of Supervisors may amend, repeal, or revise existing Ordinances (53 P.S. § 66601);

**WHEREAS**, on or about July 19, 2022, the Township Board of Supervisors adopted an ordinance to promote the use of reusable bags, prohibit the use of single-use carry-out plastic bags, polystyrene food containers, and single-use plastic straws by commercial establishments, and establishing a charge for the provision of certain types of bags at the point of sale (Ordinance No. 2022-003) (“Ordinance”);

**WHEREAS**, on or about October 18, 2022, the Township Board of Supervisors adopted an amendment to the Ordinance to modify the definition of “Produce Bag or Product Bag” to allow for such bags with handles (Ordinance No. 2022-007);

**WHEREAS**, based on a the recommendation of the Township Environmental Advisory Council, the Township now enacts a further amendment to the Ordinance to limit the use of single-use plastic splash sticks;

**WHEREAS**, it is in the public interest of the residents of the Township for the Township to limit the use of single-use plastic splash sticks;

**NOW THEREFORE**, in consideration of the foregoing, be it **ENACTED** and **ORDAINED** by the Board of Supervisors of Solebury Township, Bucks County, Pennsylvania, as follows:

**I.** Chapter 10, Part 5 of the Solebury Township Ordinances is hereby **AMENDED** as follows:

**A.** **AMEND** Section 10-502 as follows:

**1.** **ADD** Subsection 10-502.I with the following definition of “Single-Use Plastic Splash Stick”:

**I.** **Single-Use Plastic Splash Stick** means any device made primarily from plastic, intended to keep heat and liquid from escaping a lidded cup. The term single-use plastic splash stick shall not include splash sticks composed

of nonplastic materials, such as bamboo, sugar cane, wood, or paper. The term single-use plastic splash stick shall not include splash sticks provided under any of the following circumstances:

1. When provided with a beverage on private property used as a residence;
2. When provided by a state, federal or local government agency;
3. When packaged with beverages prepared and packaged outside of the Township, provided such beverages are not altered, packaged or repackaged within the Township;
4. When provided as an assistance device to reasonably accommodate a disability.

**B. AMEND Section 10-504 as follows:**

1. **ADD** the phrase "Single-Use Plastic Splash Sticks" to Section 10-504 so that it now reads:

**§ 10-504. Prohibition Against Single-Use Plastic Straws, Single-Use Plastic Splash Sticks and Polystyrene Food Containers.**

Beginning 180 days after the effective date of this Ordinance, commercial establishments are prohibited from providing single-use plastic straws, single-use plastic splash sticks or polystyrene food containers to a customer, patron, or user of the commercial establishment under any circumstance, unless subject to an exemption. The prohibition set forth in this section shall not apply to single-use plastic straws, single-use plastic splash sticks or polystyrene food containers which 1) contain multiple single-use plastic straws, single-use plastic splash sticks or polystyrene food containers, 2) are packaged by the manufacturers of such items at the time of their manufacture, and 3) are ultimately sold to consumers for home or business use.

**C. AMEND Section 10-505 as follows:**

1. **ADD** the phrase “Single-Use Plastic Splash Sticks” to Section 10-505 so that it now reads:

**§ 10-505. Exemptions.**

The Board of Supervisors may, in its sole discretion, upon written request of a commercial establishment, exempt a commercial establishment from the requirements of this Part for a period of not more than one year from the effective date upon a finding by the Board that the requirements of this section would cause undue hardship to the commercial establishment. The Board may make a finding of undue hardship only in the following circumstances or situations, and any exemptions that may be provided by the Board pursuant hereto may, in the Board's discretion, contain conditions:

A. The commercial establishment has a unique circumstance or situation such that there are no reasonable alternatives to single-use carry-out plastic bags, single-use plastic straws, single-use splash sticks, or polystyrene food containers;

B. Compliance with the requirements of this section would deprive a commercial establishment of a legally protected right;

C. Additional time is necessary in order to draw down an existing inventory held by the commercial establishment of single-use carry-out plastic bags, single-use plastic straws, single-use splash sticks or polystyrene food containers.

**II. Partial Repealer**

All other provisions of the Ordinances of Solebury Township, as amended, shall remain in full force and effect. All other Ordinances or provisions of Ordinances inconsistent herewith or in conflict with any of the terms hereof are, to the extent of said inconsistencies or conflicts, hereby specifically repealed.

**III. Severability**

The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision thereof shall be held illegal, invalid, or unconstitutional by a court of competent jurisdiction, such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Township Board of Supervisors that this Ordinance would have been adopted if such illegal,



invalid, or unconstitutional section, clause, sentence or part of a provision had not been included herein.

**IV. Effective Date**

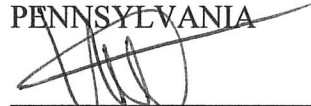
All provisions of this Ordinance shall be in full force and effect five (5) days after the approval and adoption of this Ordinance.

**V. Failure To Enforce Not A Waiver**

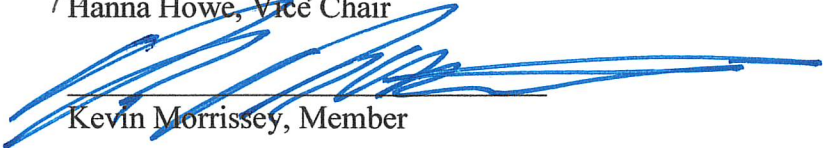
The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

**ORDAINED AND ENACTED** this 18th day of April, 2023.

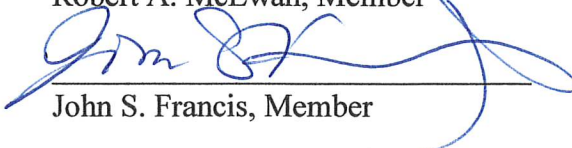
BOARD OF SUPERVISORS OF SOLEBURY  
TOWNSHIP, BUCKS COUNTY,  
PENNSYLVANIA

  
\_\_\_\_\_  
Mark Baum Baicker, Chair

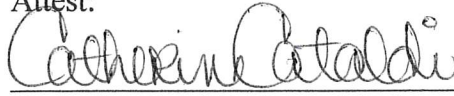
  
\_\_\_\_\_  
Hanna Howe, Vice Chair

  
\_\_\_\_\_  
Kevin Morrissey, Member

\_\_\_\_\_  
Robert A. McEwan, Member

  
\_\_\_\_\_  
John S. Francis, Member

Attest:

  
\_\_\_\_\_  
Catherine Cataldi, Township Secretary