

SOLEBURY TOWNSHIP BOARD OF SUPERVISORS
May 18, 2023 – 9:30 A.M.
Solebury Township Hall/Virtual - Hybrid Meeting
MEETING MINUTES

Attendance: Mark Baum Baicker, Chair, Hanna Howe, Vice-Chair, John S. Francis, Kevin Morrissey, Robert McEwan, Christopher Garges, Township Manager, Michele Blood, Assistant Township Manager, and Catherine Cataldi, Secretary. Mark L. Freed, Township Solicitor was 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 – May 11, 2023

Res. 2023-76 – Upon a motion by Mr. McEwan, seconded by Ms. Howe, the list of Bills Payable dated May 11, 2023 was unanimously approved as prepared and posted.

III. Approval of Meeting Minutes – May 2, 2023 Meeting

Res. 2023-77 – Upon a motion by Mr. Francis, seconded by Mr. McEwan, the Minutes of the May 2, 2023 Meeting were unanimously approved as prepared and posted.

IV. Announcements/Resignation/Appointments

Executive Session

The Board announced an Executive Session held Monday, May 8, 2023 dealing with Personnel Matters.

The Board announced an Executive Session held, Thursday, May 18, 2023, prior to the meeting, dealing with a Zoning Matter.

Resignation of C L Lindsay III from the Environmental Advisory Council

Res. 2023-78 – Upon a motion by Ms. Howe, seconded by Mr. Francis, it was unanimously agreed to accept the resignation of C.L. Lindsay III from the Environmental Advisory Council effective immediately.

Appointment of C L Lindsay III and Scott Blank to the Environmental Advisory Council

Res. 2023-79 – Upon a motion by Mr. Baum Baicker, seconded by Mr. Francis, it was unanimously agreed to appoint C.L. Lindsay III and Scott Blank, residents, without compensation, to the Environmental Advisory Council. C.L. Lindsay as Associate Member for term ending December 31, 2023 and Scott Blank, to fill the vacancy resulting from the resignation of C.L. Lindsay for term ending December 31, 2025.

Appointment of Jacob Genovay, Chris Howard and Joseph Tartaglia to the Land Preservation Committee

Res. 2023-80 – Upon a motion by Mr. Morrissey, seconded by Mr. McEwan, it was unanimously agreed to appoint Jacob Genovay, Chris Howard and Joseph Tartaglia, residents, without compensation, to the Land Preservation Committee. Jacob Genovay and Chris Howard for terms ending December 31, 2023 and Joseph Tartaglia as Associate Member for term ending December 31, 2023.

V. Supervisor Comment

- Mr. Baum Baicker congratulated Laura Viehweger and staff on a successful Carversville Day.

VI. Public Hearing

Historical Architectural Review Board – Certificate of Appropriateness – Kurt & Marnie Newman Leasure (3800 Aquetong Rd, TMP #41-004-038)

Upon a Motion by Steven Young, seconded by Nancy Ruddle, it was unanimously agreed to accept the application as submitted and recommend issuance of a Certificate of Appropriateness to TMP #41-004-038 with the following condition:

1. *The storm windows shall match the window colors.*

Res. 2023-81 – Upon a motion by Mr. Baum Baicker, seconded by Ms. Howe, it was unanimously agreed to authorize the Certificate of Appropriateness to TMP # 41-004-038, 3800 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.

Historical Architectural Review Board – Certificate of Appropriateness – Carversville Inn Land Co. (6205 Carversville Road, TMP #41-004-010)

Upon a Motion by Larry Peseski, seconded by Nancy Ruddle, it was unanimously agreed to accept the application as submitted March 30th 2023 and further accept the modification to the plan as presented May 1st 2023 and recommend issuance of a Certificate of Appropriateness to TMP #41-004-010 with the following conditions:

1. *The application will be continued for potential review items in the future.*
2. *The applicant will submit a screening concept for the mechanicals, generator, and dumpster corral, which should be uniform in appearance.*

Mr. Freed commented on the recently submitted Land Development plans, which included reduction of scope of the project. The Historical Architectural Review Board decision is based on the submitted plans.

Mr. Francis commented on his reluctance to vote in favor of the Certificate of Appropriateness due to alternative solutions. Mr. Francis expressed interest in the success of the project.

John DeAndrea, resident, commented on the Planning Commission having to review the newly submitted plan and the descope of project. Mr. DeAndrea questioned the submission review process with the Township Committees. Mr. Freed explained the changes made by the applicant and the plan submission, as well as, the review process.

Res. 2023-82 – Upon a motion by Mr. Baum Baicker, seconded by Mr. Morrissey, it was unanimously agreed to authorize the Certificate of Appropriateness to TMP # 41-004-010, 6205 Carversville 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.

VII. New Business

Solebury Human Relations Commission Complaint Submission Form – Authorization to Approve
Upon a motion Dr. Baum-Baicker, seconded by Mr. Bentivoglio, it was unanimously agreed to approve the drafted Solebury Township Human Relations Complaint Submission Form and request Board of Supervisors approval.

Mr. Baum Baicker thanked the Human Relations Commission members for their diligent work on researching and drafting the complaint form.

Mr. Francis questioned the post-secondary education regulation. Mr. Freed commented that the Township worked with the State when drafting the Human Relations Ordinance. The Board expressed interest in the Township Solicitor investigating the post-secondary education regulation.

Ms. Howe expressed satisfaction with the scope of reasons addressed in the complaint.

The Board asked Administration to post the complaint to the website and send as an email blast.

Res. 2023-83 – Upon a motion by Mr. Baum Baicker, seconded by Ms. Howe, it was unanimously agreed to approve the Solebury Human Relations Commission Complaint Submission Form.

Route 29 Rockfall Mitigation – Consulting Party Designation

The New Jersey Department of Transportation (NJDOT) proposes to mitigate the existing rock cut slope adjacent to Route 29 Northbound between mileposts (MPs) 17.0 and 18.25 in West Amwell Township and Lambertville City, Hunterdon County. Under Section 106 of the National Historic Preservation Act (NHPA) Solebury Township has been identified as a consulting party.

Conversation ensued between the Board regarding the Township’s interest in continuing to be a consulting party for this project.

John DeAndrea, resident, questioned whether the Township has legal action as a consulting party. Mr. DeAndrea suggested Solebury Township work with New Hope regarding this matter.

Res. 2023-84 – Upon a motion by Mr. McEwan, seconded by Mr. Baum Baicker, it was unanimously agreed to authorize the Township Manager to notify NJDOT of Solebury Township’s interest to continue as a Consulting Party for this project.

Uniform Notice Ordinance Revisions – Authorization to Send to Bucks County and Solebury Planning Commissions and Authorization to Advertise

The proposed Uniform Notice Ordinance Revisions update the applicant’s responsibilities for providing notice of the hearings on issues of public interest and as required by the ordinances of Solebury Township and Municipalities Planning Code, 53 P.S. § 10101 et seq., including, but not necessarily limited to, Chapter 27, Zoning, Chapter 22, Subdivision and Land Development, an ordinance establishing a Historical Architectural Review Board and other ordinances that provide for public hearings.

Res. 2023-85 – Upon a motion by Mr. Baum Baicker, seconded by Mr. McEwan, it was unanimously agreed to authorize Township Staff to send the proposed ordinance to the Bucks County and Solebury Planning Commissions, as well as, advertise the Uniform Notice Ordinance Revisions.

Environmental Advisory Council - Lower Delaware Wild and Scenic Resolution

Mr. McEwan presented background on the Lower Delaware Wild Scenic River Committee’s project to request Congress to designate more tributaries of the Lower Delaware, which goes from the Delaware

Water Gap to Washington Crossing Bridge. Mr. McEwan asked the Supervisors to pass the resolution to support the designation of the Pidcock, Aquetong, Primrose and Cuttalossa Creeks.

Upon a motion by Eric Allen and seconded by Hope Blaythorne, it was unanimously endorsed by the Environmental Advisory Council to take the draft resolution of the Lower Delaware Wild and Scenic Rivers Partnership to the Board of Supervisors for approval.

Mr. Francis thanked Mr. McEwan for all his efforts on this project.

Karen Ogden, Bucks County Conservation District offered support for submitting the Creeks for designation.

Res. 2023-86 – Upon a motion by Mr. McEwan, seconded by Mr. Morrissey, it was unanimously agreed to adopt the Lower Delaware Wild and Scenic Resolution to support designating the Pidcock, Aquetong, Primrose and Cuttalossa Creeks into the Lower Delaware River Wild and Scenic River System.

Alberts Zoning Hearing Board Application – Authorization for Solicitor to Attend

This topic was removed as no action was needed.

Resolution Supporting the Sterling Act legislation SB 671

The proposed resolution supports the Commuter Tax Fairness Act requesting an amendment to the Sterling Act to require that up to one percent (1%) of earned income by non-residents to the city of Philadelphia and collected under the requirements of the Philadelphia wage tax be remitted to the municipality in which the taxpayer resides.

Mr. DeAndrea expressed support for the resolution and commented on residents working remotely for Philadelphia based companies.

Res. 2023-87 – Upon a motion by Mr. McEwan, seconded by Ms. Howe, it was unanimously agreed to adopt the Resolution Supporting the Sterling Act Legislation SB 671.

Authorize Township Staff to Research Solar Panel Regulations in Historical Architectural Review Board (HARB) Districts

Mr. Baum Baicker offered background on the topic.

Larry Peseski, HARB Chair, advised of the research done by HARB and the language drafted on solar panels for the HARB guidelines. Mr. Peseski questioned whether an ordinance was needed. Mr. Freed commented on the different options for solar panel regulations within HARB districts.

Nancy Haldeman Ruddle, HARB Member, suggested the research and collaborations done by HARB be considered when researching this topic.

Re. 2023-88 – Upon a motion by Mr. Baum Baicker, seconded by Mr. Francis, it was unanimously agreed to authorize Township Staff, in conjunction with the Solicitor, to research existing regulations in other HARB Districts and Organizations, such as: Pennsylvania Historic Museum Commission; National Trust for Historic Preservation; National Park Services; and others as a first step in developing such an Ordinance in Solebury Township.

VIII. Public Comment

- Nancy Haldeman Ruddle, HARB Member, questioned the statute in developing a maintenance ordinance within historic districts. Conversation ensued regarding State limitations, additional research needed, possible involvement, enforcement, diversity and affordability.

IX. Adjournment

The meeting was adjourned at 10:49 a.m.

Respectfully submitted,
Catherine Cataldi
Secretary

RESOLUTION NO 2023 – 86

A RESOLUTION OF THE BOARD OF SUPERVISORS A GOVERNING BODY OF SOLEBURY TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA, TO SUPPORT THE LOWER DELAWARE RIVER MANAGEMENT PLAN

WHEREAS, Solebury Township, Bucks Co., Pa. recognizes that the Delaware River provides outstanding remarkable natural, cultural, recreational and scenic resource values that are important for the quality of life and economic health of our community and

WHEREAS, Solebury Township recognizes the Lower Delaware River Management Plan provides a mechanism to enhance protection of the Lower Delaware River, primarily through local action while recognizing the rights of property owners and

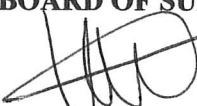
WHEREAS, Solebury Township recognizes the benefit of forming a partnership with other municipalities and interested parties along the Lower Delaware River in protection of the Delaware River, and

WHEREAS, in 2000 the United States Congress designated the Lower Delaware River and three tributaries, the Tinicum, the Tohickon and the Paunacussing Creeks as part of the Wild and Scenic River system our community, under the direction of the National Park Service, has studied Pidcock, Aquetong, Primrose and Cuttalossa Creeks and proposes they be designated part of the Lower Delaware River Wild and Scenic river system within the River's Management Plan.

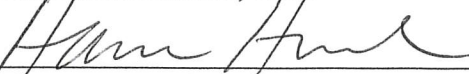
NOW, THEREFORE, BE IT RESOLVED, that Solebury Township supports the Lower Delaware River Management Plan and will take action as appropriate to implement the goals of the plan, and endorses designation of the Pidcock, Aquetong, Primrose and Cuttalossa Creeks that flow through Solebury Township into the Lower Delaware River Wild and Scenic River System.

ENACTED and RESOLVED, this 18th day of May, 2023.

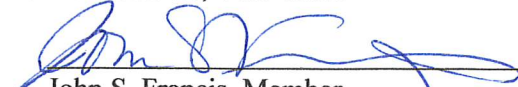
**SOLEBURY TOWNSHIP
BOARD OF SUPERVISORS**




Mark Baum Baicker, Chair



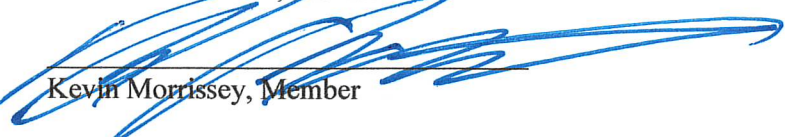
Hanna Howe, Vice-Chair



John S. Francis, Member

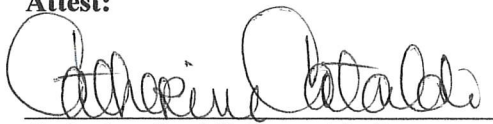


Robert A. McEwan, Member



Kevin Morrissey, Member

Attest:



Catherine Cataldi, Township Secretary

RESOLUTION NO. 2023 - 87

A RESOLUTION OF THE BOARD OF SUPERVISORS OF SOLEBURY TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA REQUESTING AN AMENDMENT TO THE STERLING ACT TO REQUIRE THAT UP TO ONE PERCENT (1%) OF EARNED INCOME BY NON-RESIDENTS TO THE CITY OF PHILADELPHIA AND COLLECTED UNDER THE REQUIREMENTS OF THE PHILADELPHIA WAGE TAX BE REMITTED TO THE MUNICIPALITY IN WHICH THE TAXPAYER RESIDES

WHEREAS, Solebury Township, Bucks County, Pennsylvania has enacted an Earned Income Tax of one (1%) percent in accordance with the Pennsylvania Local Tax Enabling Act; and

WHEREAS, Solebury Township relies on the revenue generated by the EIT to provide essential services to its residents and taxpayers, including emergency services that protect the health, safety, and welfare of the community; and

WHEREAS, the City of Philadelphia, pursuant to the Sterling Act of 1932, enacted an Earned Income Tax, also known as a Wage Tax, on both residents of the City, and on non-residents that work in the City; and

WHEREAS, in 1932, the Counties surrounding Philadelphia consisted mainly of farmland with few local government services; and

WHEREAS, in 1932, the Act made sense because residents in the adjacent Counties visited the City on a regular basis to shop, dine, and avail themselves of businesses and services not available in the adjacent Counties, and

WHEREAS, the Sterling Act was only intended to be in effect for a period of one (1) year; and

WHEREAS, over 2,600 Solebury Township residents pay Earned Income Tax to the City of Philadelphia at the current non-resident rate of 3.44%; and

WHEREAS, the Sterling Act, unlike the Local Tax Enabling Act, does not require Philadelphia to remit any portion of its Earned Income Tax revenue to the municipality in which the non-resident taxpayer resides, even though the non-resident's home municipality has enacted its own Earned Income Tax; and

WHEREAS, Solebury Township, under the provisions of the Sterling Act, is not entitled to any remittance from the City of Philadelphia on the non-resident Earned Income Tax paid by its residents to the City, including the one percent (1%) Earned Income Tax levied by the Township on its residents; and

WHEREAS, Solebury Township residents who do not work in the City of Philadelphia bear a higher tax burden to support local services because of the inequities caused by the provisions of the Sterling Act; and

WHEREAS, the inequities created by Sterling Act deprive Solebury Township of an estimated annual Earned Income Tax revenue of \$51,242 that could be used to provide essential local government services including police, fire and emergency medical services; and

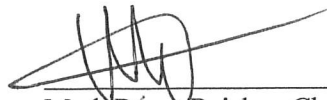
WHEREAS, SB 671 was passed by the Pennsylvania Senate on May 3, 2023; and

WHEREAS, Solebury Township requests that the Pennsylvania House introduce a companion bill to be voted on by the Pennsylvania House of Representatives; and

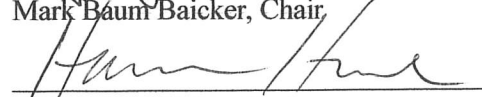
NOW THEREFORE BE IT RESOLVED by the Board of Supervisors of Solebury Township to formally request the Governor of the Commonwealth of Pennsylvania and the Senators and Representatives of the General Assembly of Pennsylvania to amend the Sterling Act and require that an amount of up to one (1%) percent of the earned income collected from non-residents to the City Philadelphia, and collected under the requirements of the Philadelphia Wage Tax, be remitted to the municipality in which the taxpayer resides if that municipality has enacted an earned income tax.

RESOLVED this 18th day of May, 2023

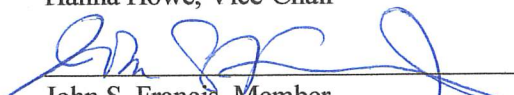
BOARD OF SUPERVISORS OF SOLEBURY TOWNSHIP



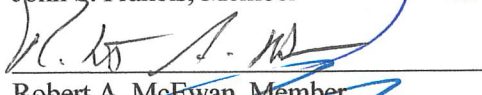
Mark Baum Baicker, Chair



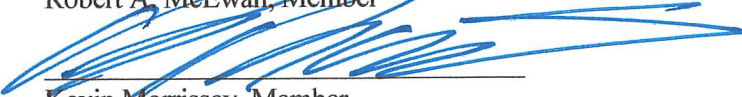
Hanna Howe, Vice-Chair



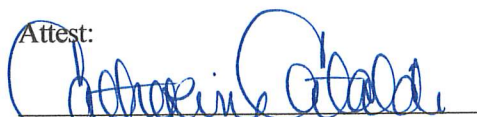
John S. Francis, Member



Robert A. McEwan, Member



Kevin Morrissey, Member

Attest:


Catherine Cataldi, Township Secretary