

SOLEBURY TOWNSHIP BOARD OF SUPERVISORS

May 19, 2020 – 6:00 P.M.

VIRTUAL MEETING

MEETING MINUTES

The May 19, 2020 at 6:00 p.m. Solebury Township Board of Supervisors meeting was duly advertised and held electronically through the Zoom Virtual Meeting Platform. The meeting was held in this manner due to the current State and Federal regulations in place from the COVID-19 pandemic.

Attendance: Mark Baum Baicker, Chair, Kevin Morrissey, Vice-Chair, Noel Barrett, John S. Francis, Robert McEwan, Dennis H. Carney, Township Manager, Michele Blood, Assistant Manager, and Catherine Cataldi, Secretary. Mark L. Freed, Township Solicitor was also in attendance.

Zoom recording device was then turned on.

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

Mr. Baum Baicker made an announcement regarding the Township’s everyday operations and Committee/Board meetings updates while the Declaration of Emergency is active.

II. Approval of Bills Payable – May 1, 2020 and May 15, 2020

Res. 2020-72 – Upon a motion by Mr. Morrissey, seconded by Mr. McEwan, the list of Bills Payable dated May 1, 2020 and May 15, 2020 were unanimously approved as prepared and posted.

III. Approval of Minutes – April 21, 2020 Virtual Meeting

Res. 2020-73 - Upon a motion by Mr. Francis, seconded by Mr. Morrissey, the Minutes of the April 21, 2020 Virtual Meeting were unanimously approved as written and posted.

IV. Announcements/Resignations/Appointments

V. Supervisors Comment

- Mr. McEwan thanked the community for their participation in the 2020 Census.
- Mr. McEwan commented about the Solebury Township 2019 Financial Audit. (Copy of comment is attached)

VI. Public Comment – No Public Comment

VII. Presentations

Solebury Township Committees and Boards – 2020 Priorities – Presentations by Chairpersons

Mr. Baum Baicker made a comment that this topic was proposed at the 2020 Board of Supervisors Priorities meeting as a way to keep communication open between all Committees and Boards.

- Farm Committee – Presented by Kaitlyn Farbotnik

Highlighted areas of the presentation include: Landowner Farmer Match Program; resident education; Solebury Township Farm Market; and Facebook page.

- Planning Commission (PC) – Presented by TJ Francisco
Highlighted areas of the presentation include: Agricultural Security Area application; sustainability review; and Signage Ordinance.
- Environmental Advisory Committee (EAC) – Presented by Eric Allen
Highlighted areas of the presentation include: regulation on plastics; “Ready for 100” draft Resolution; Environmental concerns; Spotted Lanternfly; and deer management.
- Historical Architectural Review Board (HARB) – Presented by Larry Peseski
Highlighted areas of the presentation include: Finishing the Design Guidelines and Merge the Maintenance Manual into one document; Commercial Property Oversight; and establish maintenance standards within the HARB district.
- Parks & Recreation (P&R) – Presented by Dan Dupont
Highlighted areas of the presentation include: the addition of benches at Magill’s Hill; the addition of the police dog training facility at Laurel park; stream restoration work at Aquetong Spring Park; and discussions regarding summer camp and sports in 2020.
- Land Preservation Committee (LPC) – Presented by Edric Mason
Highlighted areas of the presentation include: closing on conservation easements currently within the pipeline; solicitation of new properties; meetings; and training.

The Board thanked the Committee Chairs for their presentations.

Res. 2020-74 – Upon a motion by Mr. Baum Baicker, seconded by Mr. Morrissey, it was unanimously agreed to authorize the Township Solicitor to research whether an Architect that is a non-Solebury resident can serve on the Historical Architectural Review Board, and if so, prepare an amendment to the Township’s Ordinance to that affect.

VIII. Public Hearings

HARB – Certificate of Appropriateness – William Lynch (41-002-002-001, 6071 Carversville Road)

William Lynch was present for the Board of Supervisors’ meeting.

Upon a Motion by Scott Minnucci, seconded by Marnie Newman, it was unanimously agreed to recommend issuance of a Certificate of Appropriateness to TMP # 41-002-002-001, 6071 Carversville Road, for rear dormer modifications to extend the dormer per the dimensions shown on the plans and to include cedar siding, rough-side out, stained Minwax English Chestnut; Soffit/Fascia to be pine, painted Behr Dark Green, to match existing house and garage.

Mr. Francis commented that he was confused with the drawings as the entire information wasn’t presented. Mr. Peseski agreed with Mr. Francis. Mr. Lynch advised that he did not submit the full plans. He only submitted the plans from street view.

Res. 2020-75 – Upon a motion by Mr. Morrissey, seconded by Mr. Barrett, it was unanimously agreed to issue a Certificate of Appropriateness to TMP # 41-002-002-001, 6071 Carversville Road as recommended by 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.

HARB – Certificate of Appropriateness – Dennis J. Hansen (41-004-028, 3795 Aquetong Road)

Dennis Hansen and Peter Stampfl were present for the Board of Supervisors' meeting.

Upon a Motion by Larry Peseski, seconded by Marnie Newman, it was agreed to recommend issuance of a Certificate of Appropriateness to TMP # 41-004-028, 3795 Aquetong Road, as submitted on March 3, 2020, with the following exceptions:

- The light fixtures as submitted will be replaced with Bevolo Governor Gooseneck light fixtures per spec sheet sent to the HARB Administrator, submitted May 4, 2020 and to match existing on the main house;
- Standard eight-inch Belgium Block wide pavers, Classic Gray for the driveway area;
- Install copper gutters and downspouts to match the existing on the main house;
- Prior to the Supervisors' meeting, the applicant will provide to the Township the ridge and eave heights of both structures. **This information was received prior to the meeting.
 - Garage – Proposed eave height = 17' 4 ¼"
 - Garage – Top of ridge = 26' 4 7/8'
 - House – Existing eave height = 18' 5/8"
 - House – Top of ridge = 28' 11"

4 – In favor – Buz Teacher, Nancy Ruddle, Scott Minnucci and Kevin MacDonald

2 – Opposed – Marnie Newman – structure not diminutive enough

Larry Peseski – not in accordance to the HARB Guidelines

Conversation ensued between the Board and Mr. Hansen and Mr. Stampfl. Highlights of this conversation include: submission date; building size; proposed building footprint; and the accessory structure to be part of the parcel estate.

Mr. Peseski, HARB Chair, commented on the following: that the dimensions to the demolished building were never established; three (3) plans were presented to HARB with all three (3) showing different dimensions; and no final plan has been submitted.

Susan Whitman, resident, expressed support for Mr. Hansen.

Mr. Baum Baicker asked Mr. Peseski if there were comments at the HARB meeting. Mr. Peseski stated that a neighbor commented that HARB members misapplied guidelines with connection to the scale of the building.

Neil Whitman, resident, commented that points being made at the HARB meeting regarding the accessory structure were being misapplied due to it replacing an existing building.

Res. 2020-76 – Upon a motion by Mr. Baum Baicker, seconded by Mr. Barrett, it was agreed to issue a Certificate of Appropriateness to TMP # 41-004-028, 3795 Aquetong Road as recommended by 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.

4 – In Favor – Mark Baum Baicker, Kevin Morrissey, Noel Barret, Robert McEwan

1 – Opposed – John S. Francis – Due to he would like more review.

IX. New Business

Land Preservation Committee – Resolution for Approval of Acquisition of Conservation Easement on the D & H Holding, LLC a.k.a. Solomon Property (3216 Comfort Road, TMP No. 41-018-016-001)

The proposed resolution (copy of which is attached) of the Board of Supervisors of Solebury Township authorized the acquisition of a conservation easement on 14.93 acres comprising Tax Map Parcel No. 41-018-016-001 in Solebury Township, Bucks County, Pennsylvania.

Mr. Baum Baicker thanked the Land Preservation Committee.

Res. 2020-77 – Upon a motion by Mr. McEwan, seconded by Mr. Francis, it was unanimously agreed to approve the Resolution for Approval of Acquisition of Conservation Easement on the D & H Holding, LLC a.k.a. Solomon Property (3216 Comfort Road, TMP No. 41-018-016-001).

Resolution to Authorize Dennis H. Carney and Michele Blood to Execute all Greenways, Trails, and Recreation Program Grant Documents

The resolution (copy of which is attached) authorizes Dennis H. Carney, Township Manager and Michele Blood, Township Assistant Manager to execute all documents associated with the Department of Community and Economic Development (DCED) Greenways, Trails and Recreation Program Grant associated with the Solebury Gateway Trail – Sugan Road to Kitchens Lane project.

Res. 2020-78 Upon a motion by Mr. Francis, seconded by Mr. McEwan, it was unanimously agreed to approve the resolution to authorize Dennis H. Carney, Township Manager and Michele Blood, Township Assistant Manager to execute all documents between the Board of Supervisors and the Department of Community and Economic Development associated with the Greenways, Trails and Recreation Program Grant to be used for the Solebury Gateway Trail – Sugan Road to Kitchens Lane project.

Road Paving – Bid Award

Solebury Township received numerous bids for the Road Program.

Res. 2020-79 - Upon a motion by Mr. Baum Baicker, seconded by Mr. McEwan, it was unanimously agreed to authorize the bid for Sealcoat Project to Asphalt Maintenance Solutions, LLC; the bid for Crack Seal to Asphalt Maintenance Solutions, LLC; and the bid for the Road Paving to Bray Brothers, Inc.

Laurel Park Paving – Bid Award

This topic was tabled until the June 16, 2020 Board of Supervisors meeting.

X. Public Comment – No Public Comment

XI. Adjournment

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

Respectfully submitted,
Catherine Cataldi
Secretary

Robert McEwan's Comments - 5/19/2020 Board meeting - 2019 Financial Audit

The Township's audit has been completed, submitted to the State authorities and is posted on our web site. This is a good moment to recognize and thank Michele Blood, the Township's Financial Director and Assistant Manager for the consistently well done work she and her team perform. Michele, thank you and keep up the good work in what will no doubt be a challenging financial 2020.

Two points to emphasize before we look at the report's highlights.

In 2019 Solebury Township adopted the Governmental Accounting Standards Boards statement #84, Fiduciary Activities, which represents a change in accounting principles. The auditors state the "Township's net position is not impacted by the adoption of this change."

The second important point is well known by all of us causing our auditors to make a forward-looking statement caused by the event of Covid-19's arrival, after the close of the Fiscal Year. The auditors noted the World Health Organization declared the spread of Coronavirus Disease a worldwide pandemic. "Specific to the Township, COVID-19 may impact various parts of its 2020 operations and financial results including, but not limited to, the loss of revenues from earned income taxes, reductions of state funding for non-essential programs, costs for emergency preparedness and shortages of personnel."

With that in mind I turn to the highlights of our township's 2019 financial year, which merit gratification for jobs well done by the entire staff, led by Dennis Carney. The shadow of Covid-19 however unfortunately cautions us to consider a different picture for FY2020.

Financial Highlights

- * A sound fiscal year reflecting a growing economy and continued focus on expense control. Overall revenues increased by approximately 6.3% excluding capital grants and contributions. Real Estate Tax collections were approximately 5% higher than 2018 and public safety receipts were about 10% higher.
- * Increased revenue and decreased operating expenses in 2019 enabled the township to transfer approximately \$1.3 million in excess funds to other funds including Capital Reserve Funds, Capital Equipment Fund, Road & Bridges Fund and Park Capital Fund.
- * Citing the Township's key credit factors including our robust financial position and solid tax base, Moody's Investor Services upgraded Solebury Township rating to Aa1.
- * The Township issued \$7.4 million in non-electoral debt which allowed us to retire and refinance \$6.3 million of existing debt and take on approximately \$1 million in new debt in order to continue Land Preservations efforts. This issuance was at a lower interest rate which will save the Township approximately \$200,000 in interest expense.
- * Solebury Township committed to the Aquetong Spring Park project several years ago and we have assertively pursued county, state and federal funding. The project is budgeted at approximately \$3.4 million and nearly \$2.4 million, or 68%, has been funded by external grants. The project is anticipated to complete in 2022.

Concluding, we again thank the township staff for their very good work year in and year out!

RESOLUTION NO. 2020- 77

**RESOLUTION OF THE BOARD OF SUPERVISORS
OF SOLEBURY TOWNSHIP AUTHORIZING THE ACQUISITION OF A
CONSERVATION EASEMENT ON PARCEL NUMBER 41-018-016-001 COMPRISING
14.931 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 41-018-06-001 located at 3216 Comfort Road in Solebury Township and totaling approximately 14.931 acres (the "Property") possesses agricultural, natural and scenic resources worthy of protection.

WHEREAS, the owner of the Property is D & H Holdings, LLC ("Owner"), desires 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, Owner has agreed to convey the Conservation Easement on the Property to the Township for the total sum of One Hundred Fifty-Five Thousand One Hundred Seventy-Two Dollars (\$155,172.00) (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 One Hundred Thousand Fifty-Five Thousand One Hundred Seventy-Two Dollars (\$155,172.00) 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, Noel Barrett, 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 19th day of May, 2020.

ATTEST:

Catherine Cataldi

Date: May 19, 2020

SOLEBURY TOWNSHIP
BOARD OF SUPERVISORS

By: [Signature]
Mark Baum Baicker, Chair

By: [Signature]
Kevin Morrissey, Vice-Chair

By: [Signature]
Noel Barrett

By: [Signature]
Robert McEwan

By: [Signature]
John S. Francis

Exhibit A Conservation Easement

Exhibit B Agreement of Sale

Appendix II – Authorized Official Resolution

Be it RESOLVED, that the Solebury Township (Name of Applicant) of Bucks County (Name of County) hereby request an Greenways, Trails and Recreation Program (GTRP) grant of \$ 250,000.000 from the Commonwealth Financing Authority to be used for Solebury Gateway Trail - Sugan Rd to Kitchens Ln.

Be it FURTHER RESOLVED, that the Applicant does hereby designate Dennis Carney, Township Manager (Name and Title) and Michele Blood, Asst. Township Manager (Name and Title) as the official(s) to execute all documents and agreements between the Solebury Township (Name of Applicant) and the Commonwealth Financing Authority to facilitate and assist in obtaining the requested grant.

I, Catherine Cataldi, duly qualified Secretary of the Solebury Township (Name of Applicant), Bucks County (Name of County) Solebury, PA, hereby certify that the forgoing is a true and correct copy of a Resolution duly adopted by a majority vote of the Solebury Township Board of Supervisors (Governing Body) at a regular meeting held May 19, 2020 (Date) and said Resolution has been recorded in the Minutes of the Solebury Township (Applicant) and remains in effect as of this date.

IN WITNESS THEREOF, I affix my hand and attach the seal of the Solebury Township (Applicant),
this 19 day of May, 2020.

Solebury Township
Name of Applicant

Bucks County
County

Catherine Cataldi
Secretary