

SOLEBURY TOWNSHIP BOARD OF SUPERVISORS
July 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, Robert McEwan, Christopher Garges, Township Manager, Michele Blood, Assistant Township Manager, and Catherine Cataldi, Secretary. Mark L. Freed, Township Solicitor, and Curt Genner, Township Engineer were also in attendance.

The recording device was turned on.

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

Mr. Baum Baicker opened the meeting recognizing the families who lost loved ones in the horrible tragedy that happened over the weekend in Washington Crossing.

II. Approval of Bills Payable – July 13, 2023

Res. 2023-99 – Upon a motion by Mr. Francis, seconded by Mr. McEwan, the list of Bills Payable dated July 13, 2023, was unanimously approved as prepared and posted.

III. Approval of Meeting Minutes – June 20, 2023 Meeting

Res. 2023-100 – Upon a motion by Mr. Francis, seconded by Mr. McEwan, the Minutes of the June 20, 2023, meeting were unanimously approved as prepared and posted.

IV. Announcements / Resignations / Appointments

Executive Session

Mr. Baum Baicker announced that an Executive Session was held directly prior to the Board of Supervisors meeting discussing a Zoning Matter and Possible Litigation.

Resignation of Buz Teacher from the Historical Architectural Review Board and Appointment of Buz Teacher as Associate Member to the Historical Architectural Review Board

Res. 2023-101 – Upon a motion by Mr. Baum Baicker, seconded by Mr. Francis, it was unanimously agreed to accept the resignation of Buz Teacher as full member of the Historical Architectural Review Board (HARB) effective immediately and appoint Mr. Teacher as associate member of HARB for term ending December 31, 2023.

Appointment of Patrick Strzelec to the Historical Architectural Review Board

Res. 2023-102 – Upon a motion by Mr. Baum Baicker, seconded by Mr. Francis, it was unanimously agreed to appoint Patrick Strzelec, without compensation, to the Historical Architectural Review Board for term ending December 31, 2023.

V. Supervisor Comment

- Mr. Baum Baicker expressed gratitude to the offices of Senator Steve Santarsiero and Representative Tim Brennan for setting up the meeting with PennDOT held last week. Discussion included the conditions of State roads within the Township and upcoming

maintenance. Additional details can be obtained by contacting the Township Manager. Mr. Baum Baicker also expressed gratitude to PennDOT for meeting with the Township and being open to establishing a mutual maintenance agreement.

- Mr. Baum Baicker honored Art Ross with words of remembrance.

VI. Presentations

202 Property Advisory Committee – Update

Nancy Stock-Allen, 202 Property Advisory Committee Chair presented the Committee status report to the Board of Supervisors. Highlights of the presentation included Consultant presentations, Committee member presentations, Mission Statement, Township Survey and Timeline for the rest of the year.

The Board expressed gratitude to Ms. Stock-Allen and the Committee.

Ms. Stock-Allen expressed gratitude to the Public Works for mowing a trail on the property and expressed support for residents to visit the property.

Infrared Deer Drone Survey Results – Raritan Valley Community College

Jay F. Kelly, PH.D., Co-Director, Center for Environmental Studies Raritan Valley Community College presented a PowerPoint presentation (copy of which is attached) on the results of White-Tailed Deer Surveys for 2023. Highlights of the presentation included: Infrared Deer Surveys Methods; Results of Deer Surveys; Solebury Deer Population 2021-2023; Deer Population Benchmarks; and Deer Population and Management Goals.

Mr. Baum Baicker questioned if the Township should proceed with the current deer management program. Mr. Jay advised that the Township should continue with the current program.

Eric Allen, Environmental Advisory Council Chair, commented on the deer management and expressed support to continue the deer management program.

VII. Subdivision/Land Development

Sketch Plan – Solebury School Ball Fields (6832 Phillips Mill Rd, TMP # 41-018-079)

Michael J. Bowker, P.E., Apex Design & Engineering Group presented the Sketch Plan for Solebury School Ball Fields to the Board of Supervisors. The applicant proposes to construct a natural grass soccer field, natural grass baseball field, and the associated field amenities including the construction of a new comfort building with paving, walkways, grading and stormwater management.

Authorization to Execute Amended Stipulation of Settlement Agreement on Zoning Hearing Board Appeal of Carversville Land Co (6205 Fleecydale Road TMP # 41-004-010)

Jenna Kasman, Esquire submitted a request to authorize Township staff to review the building permit application prior to plan recording.

Res. 2023-103 – Upon a motion by Mr. Baum Baicker, seconded by Mr. McEwan, it was unanimously agreed to approve the Amendment to Stipulation of Settlement, subject to the review and approval by the Township Solicitor, Township Engineer and Township staff of the final revisions to the Stipulation and plans being requested by Dr. Barsky as to lighting on his side of the building.

Res. 2023-104 – Upon a motion by Mr. Baum Baicker, seconded by Mr. Morrissey it was agreed to authorize the staff to accept the building permit applications and commence reviews of same while

applicant prior recording land development plans, conditioned on (a) this review of the building permit applications is at the applicant's risk, (b) no building permits will be issued until the land development plans and documents are executed by the Township and recorded with the Bucks County Recorder of Deeds, (c) no building permits will be issued until applicant secures all needed flood plain permits, and (d) all time for the Township's building inspectors to review the permit package / architectural plans will be paid by applicant from the land development professional services agreement which will continue to be funded. Any fees paid out of the professional services agreement in advance of permit issuances will be deducted from the permit fees.

Waiver of Land Development – Hal Clark Park Boat Ramp (2744 River Rd, TMP # 41-028-057 & 41-028-057-001)

The Applicant, The County of Bucks, formally submitted for the Boards of Supervisors consideration of a request for waiver from Chapter 22: Subdivision and Land Development Ordinance, in order to not require compliance with Part 4 Procedures for Subdivision and Land Development, and to not require compliance with Part 5 Design Standards.

The applicant proposes to construct a cable concrete boat ramp to the Delaware River with gravel access road and turn around area for use by Bucks County and Solebury Township Emergency Services.

A motion was made by Gretchen Rice and seconded by TJ Francisco to recommend conditional approval of the Hal Clark Park Land Development Waiver project #23-610, subject to conditional approval of requested waivers as indicated in Wynn Associates memorandum dated July 5, 2023, all comments and recommendations in the Simone Collins memorandum dated July 7, 2023 and Solebury Township Zoning Officer review memorandum dated July 7, 2023.

John DeAndrea, resident, expressed gratitude to Mr. McEwan and expressed support for the proposal.

Res. 2023-105 – Upon a motion by Mr. McEwan, seconded by Mr. Baum Baicker, it was unanimously agreed to grant a waiver of the preliminary and final subdivision and land development process associated with the application for the Hal Clark Park Land Development project #23-610, and requested waivers, conditioned on resolving all outstanding items contained within the Wynn Associates memorandum dated July 5, 2023, the Simone Collins memorandum dated July 7, 2023, and the Solebury Township Zoning Officer review memorandum dated July 7, 2023, and compliance with any other conditions set forth in the Township approval letter.

VIII. Public Hearing

Uniform Notification Ordinance Revisions – Authorization to Adopt

Mr. Freed presented the exhibits.

Res. 2023-106 – Upon a motion by Mr. Morrissey, seconded by Ms. Howe, it was unanimously agreed to adopt AN ORDINANCE OF THE TOWNSHIP OF SOLEBURY, BUCKS COUNTY, PENNSYLVANIA AMENDING SOLEBURY TOWNSHIP ORDINANCE REGARDING THE UNIFORM SYSTEM OF NOTICE OF PENDING APPLICATIONS AND HEARINGS.

IX. New Business

2022 Audit Report – Acknowledgement of Submission

Mr. McEwan recognized the 2022 Audit's completion and submission to the Department of Community and Economic Development (DCED). The audit is on the Township Website and is available to the public at the Township Building.

Budget Amendment – Purchase of Admin Vehicle

The Township was awarded a \$7,500 grant from the Department of Environmental Protection toward the purchase of an electric vehicle. Township Administration located a Nissan Leaf and requested a budget amendment for the net cost of approximately \$17,500.00. The vehicle is to replace the vehicle currently used by administration which is a repurposed police cruiser with 173,000 miles that needs costly repairs.

Res. 2023-107 – Upon a motion by Mr. Baum Baicker, seconded by Ms. Howe, it was unanimously agreed to authorize the budget amendment to purchase an electric vehicle for administrative use.

Authorization to Execute - Service Agreement between Solebury Township and The Free Library of New Hope and Solebury

Joanne Reszka, Library Board of Trustees Treasurer, expressed gratitude towards the Board and announced the Library fundraiser for 2023: *An Evening of Mystery and the Macabre with Edgar Allan Poe*. The fundraiser is to be held Thursday, October 19, from 6–8 p.m. at the Logan Inn.

Res. 2023-108 – Upon a motion by Mr. Mr. McEwan, seconded by Ms. Howe, it was unanimously agreed to authorize the board of Supervisor Chairman to execute the service agreement between Solebury Township and the Free Library of New Hope and Solebury.

DeMasi & Cashin Zoning Hearing Board Application – Authorization for Solicitor to Attend

This topic was eliminated as no action was needed.

Discussion on Farm Accessory Dwelling Ordinance

Mr. Francis opened the agenda item. Discussion ensued between the Board on modifications to the current Farm Accessory Dwelling Ordinance Revisions, as well as, the process for committee feedback. The Farm Committee is to hold discussion at an upcoming meeting and a representative from both, the Farm Committee and Planning Commission are to attend a Board of Supervisors meeting for additional discussion.

X. Public Comment

- Mavis Smith, resident, gave an overview of her experience to rid her property of bamboo. Ms. Smith expressed concern for the limited treatments for bamboo and the health risk of certain treatments.
- Chris Savage, resident, commented about door to door solicitation and asked the Board to consider enacting a permit process or control system for solicitation.

XI. Adjournment

The meeting was adjourned at 7:51 pm.

Respectfully submitted,
Catherine Cataldi
Secretary

Results of White-Tailed Deer Surveys in Solebury Township, PA, in 2023

July 18, 2023

**Jay F. Kelly, Ph.D. & Jessica Ray
Center for Environmental Studies
Raritan Valley Community College**

Infrared Deer Surveys in Solebury in 2023

Methods:

Consecutive Nights
(March 16-22, 2023)

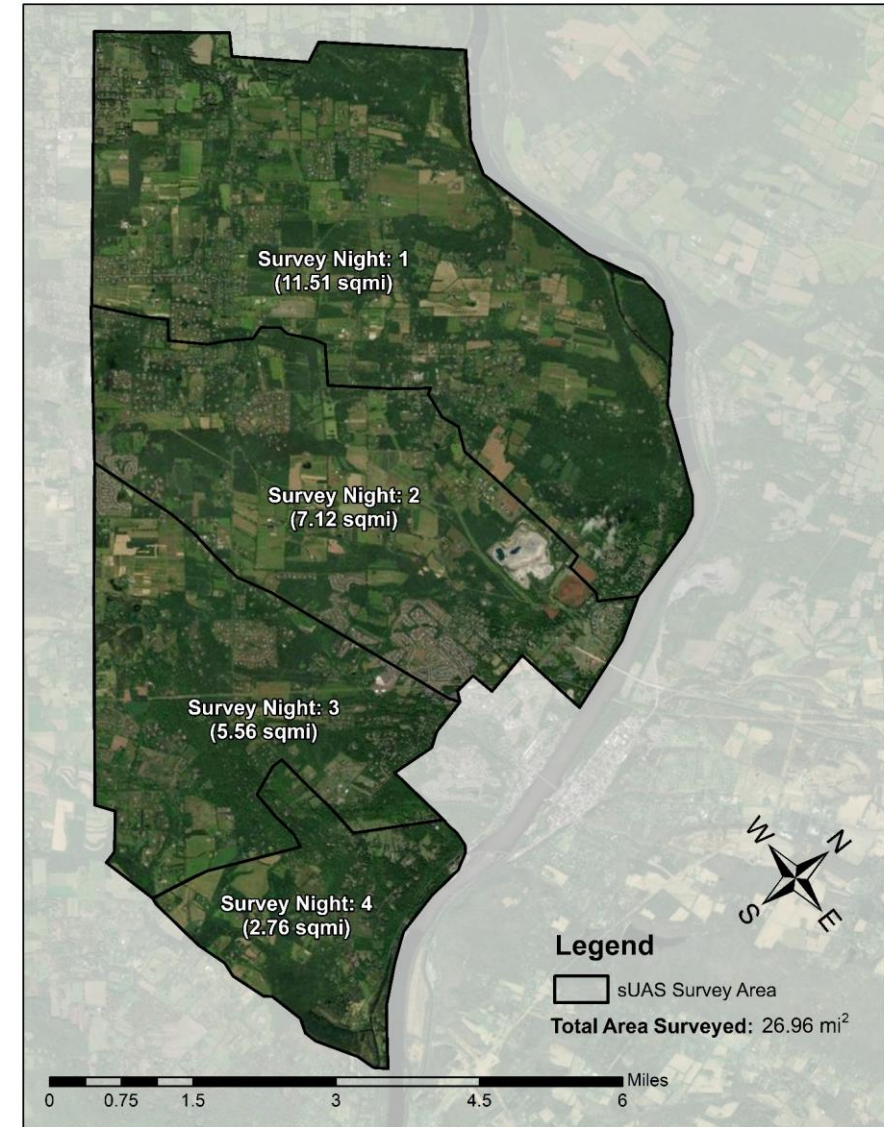


Weather Conditions
(No Precip, Winds <15 mph)

FAA Remote Pilot License (Jessica Ray)

Autel Evo II Dual Drone, w/FLIR 640 Thermal Sensor

Class G Airspace, <400' Above Ground



Deer Surveys in Solebury in 2023

Methods:

**Location/# Deer recorded
in real-time**

(ArcCollector App)

Survey width varies by
Visibility/cover

Methods optimized for
accuracy and to minimize
double-counting

**Data processed in
ArcMap (ArcGIS 10.0)**



Results of Deer Surveys in Solebury in 2023

Results:

1,342 deer

26.96 mi² area

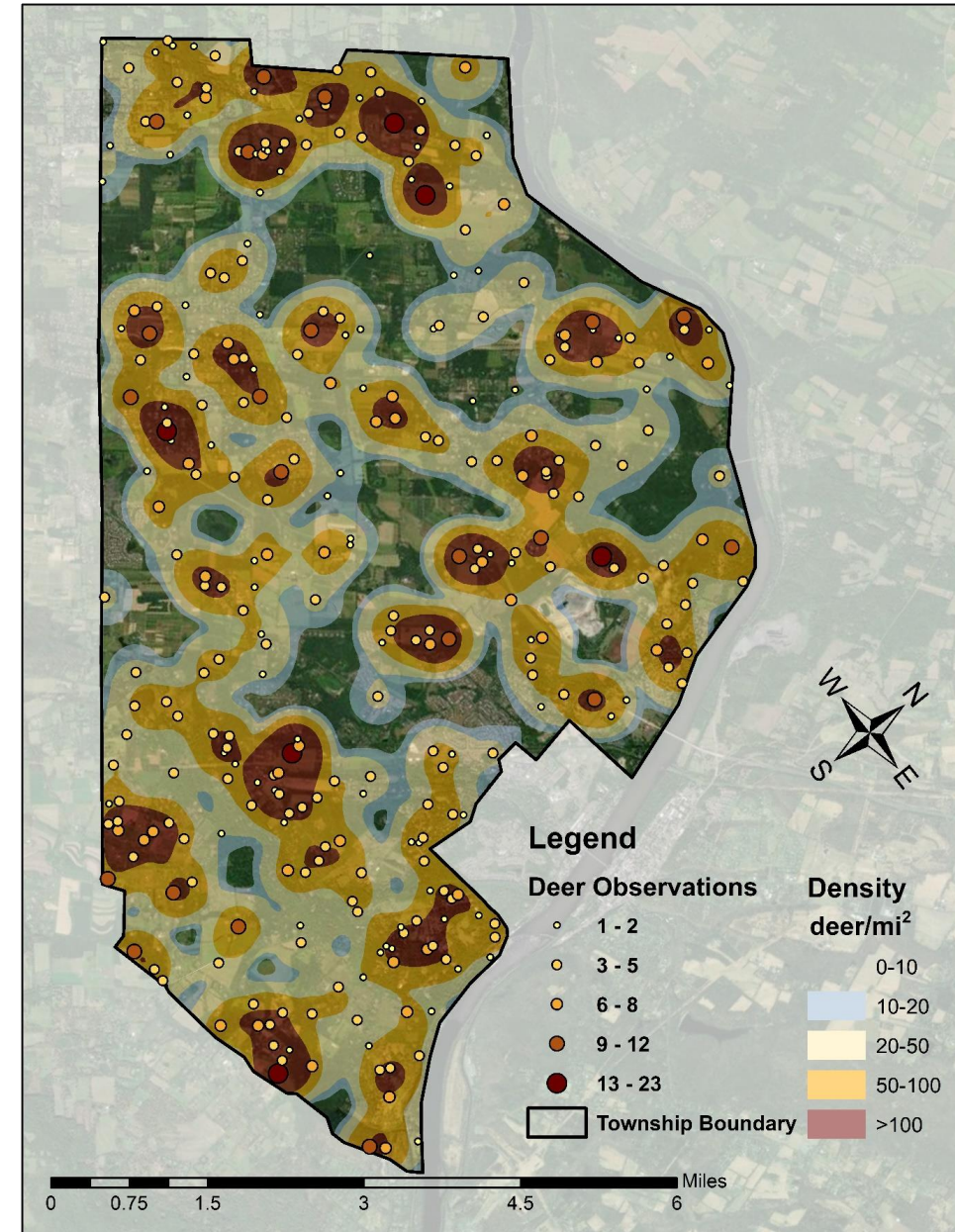
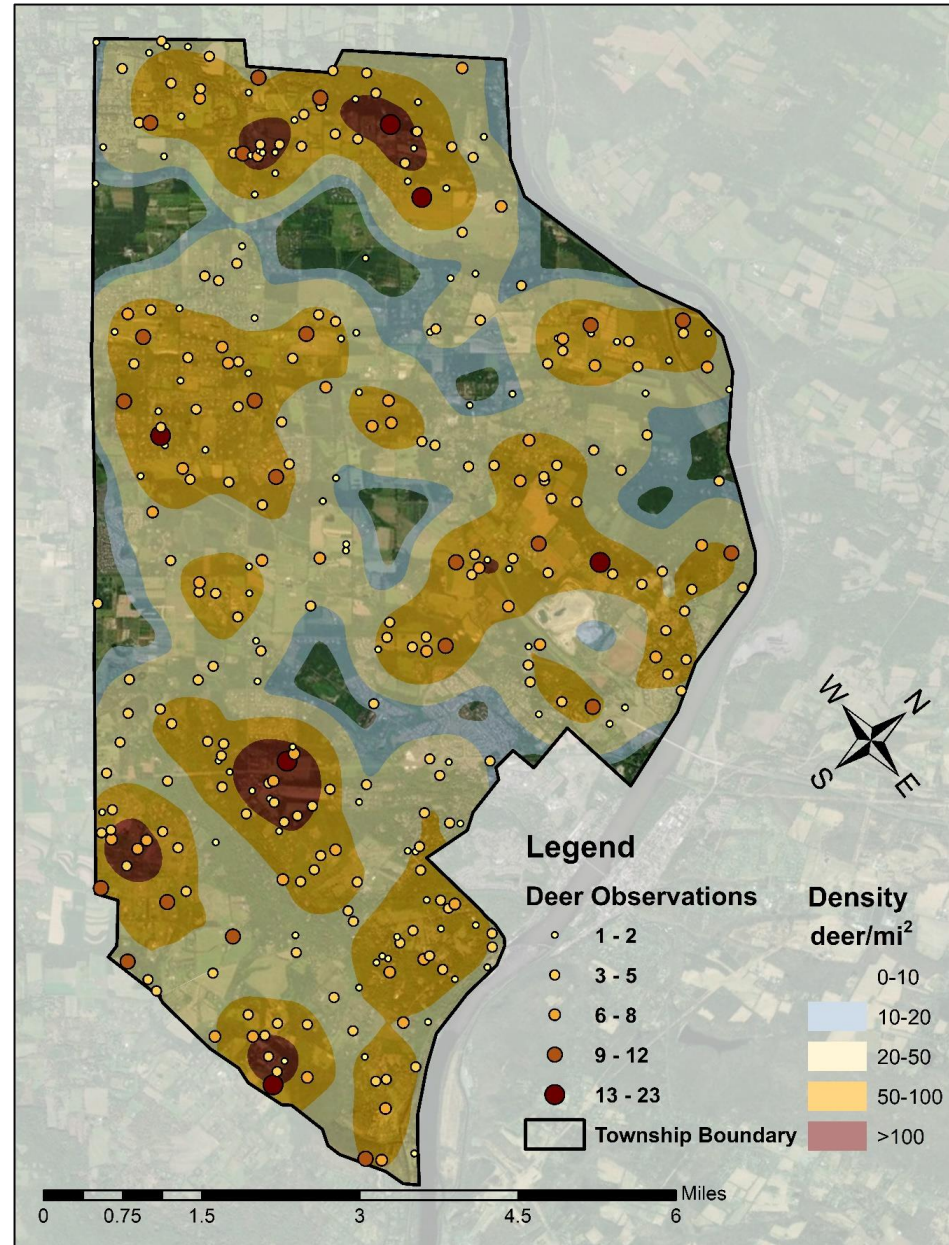
= **50 deer/mi²**

(43-71 deer/mi²
per night)

Local Densities

81-93% of town

>10 deer/mi²



Solebury Deer Population 2021-2023

Date	Area (mi ²)	# of Deer Observed	Density (deer/ mi ²)	% Change from Year-1
March 2021	27.02	2054	76	N/A
March 2022	26.80	1775	66	-13%
March 2023	26.96	1342	50	-24%

Overall Change from 2021-2023 = -34%

Deer Population Benchmarks – *Thresholds for Ecological Impacts*

>10 deer/mi²

Impact preferred
browse species

>20 deer/mi²

Impacts to forest
understories, wildlife

>100 deer/mi²

Without deer
management

(Drake et al. 2002, Almendinger et al. 2020)

Historic: **8-11 deer/mi²**



Healthy forest with dense understory vegetation and native plant species.

Present: **~70 deer/mi² (17-136)**

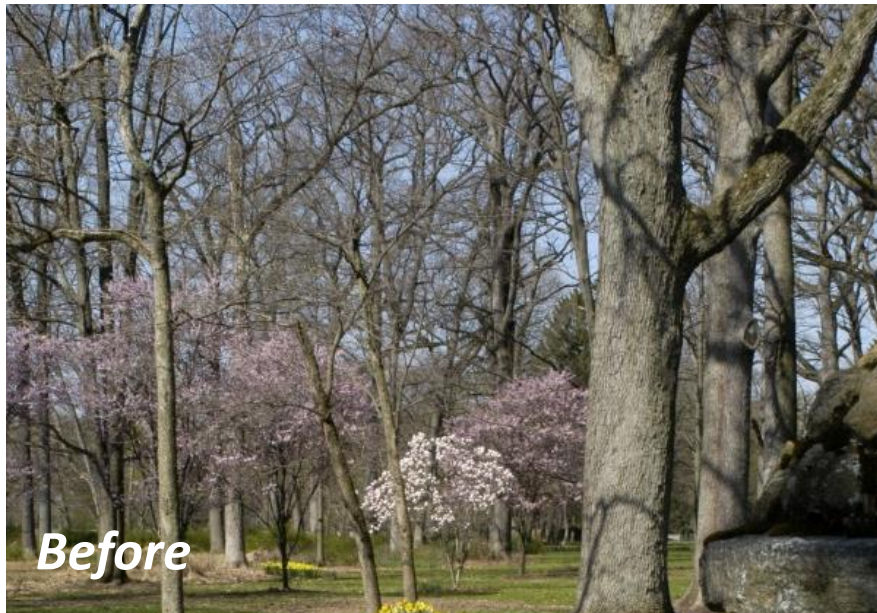
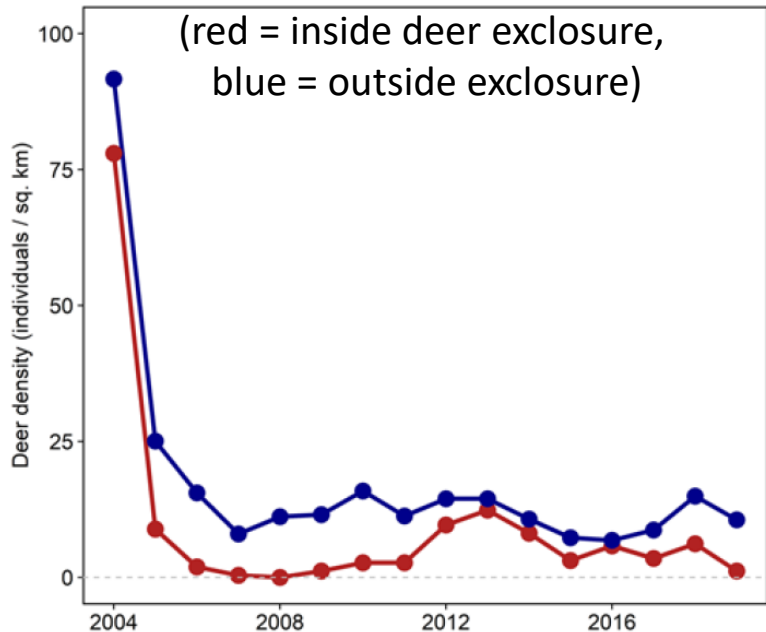


Overbrowsed forest at Hutcheson Memorial Forest in Franklin Township (2012)



Overbrowsed forest with invasive barberry shrubs at Peter's Tract in Bernardsville (2016)

Duke Farms, NJ



Before



After

		Deer Population and Management Goals (T. Almendinger, Unpublished Data)							
Population after management	Avg. winter mortality rate (5%)	Breeding female = approx. 40% of total pop.	State reproductive rates 1997= (1.42 for yearling ♀ & 1.78 for adult ♀), average of 1.6 per doe	Average survivability (of fawns)	Population of adults and yearlings + the addition fawns	Reduction goal 40%	Reduction goal 50%	Reduction goal 60%	Reduction goal 70%
column D - harvest total	Pop.- (Pop.* 0.05)	Population * 0.4=	# of breeding age ♀ * 1.6=	# Fawns* 0.75	New population total =	j4 x .4=	j4 x .5=	j4 x .6=	j4 x .7=
2054	1951.3	780.52	1248.832	936.624	2887.924	1155.17	1443.962	1732.754	2021.547



CENTER FOR ENVIRONMENTAL STUDIES

Thanks!!!

HOME > ACADEMIC PROGRAMS > ACADEMIC DEPARTMENTS > SCIENCE & ENGINEERING > CENTER FOR ENVIRONMENTAL STUDIES

Contact:

Dr. Jay F. Kelly

Co-Director, Center for Environmental Studies
Raritan Valley Community College

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<https://www.raritanval.edu/Environmental-Studies>

ORDINANCE NO. 2023-003

**AN ORDINANCE OF THE TOWNSHIP OF SOLEBURY,
BUCKS COUNTY, PENNSYLVANIA AMENDING
SOLEBURY TOWNSHIP ORDINANCE REGARDING THE
UNIFORM SYSTEM OF NOTICE OF PENDING
APPLICATIONS AND HEARINGS**

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); and

WHEREAS, on or about May 17, 2007, the Township Board of Supervisors adopted an ordinance to provide for a uniform method of supplying adequate notice of hearings as required by the Municipalities Planning Code, 53 P.S. § 10101 *et seq.*, and the ordinances of Solebury Township (Ordinance No. 2007-005) (“Ordinance”); and

WHEREAS, it is in the public interest of the residents of the Township for the Township to amend and update this Ordinance for clarity, and to more closely conform with the statutory requirements of the Municipalities Planning Code; and

WHEREAS, the Township now enacts an amendment to the Ordinance.

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 1, Part 6 of the Solebury Township Ordinances is hereby **AMENDED** as follows:

A. **AMEND** Section 1-601 “Purpose; Applicability” as follows:

1. **REPLACE** Section 1-601.1. (including Section 1-601.1.A. and Section 1-601.1.B) with the following:

The procedures set forth herein are adopted for the purpose of 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.

B. **AMEND** Section 1-602 “Definitions” as follows:

1. **AMEND** the term, "APPLICANT," to **ADD** the word "or" between "variance" and "conditional use;" to **STRIKE** the phrase "or permit;" and to **STRIKE** the sentence "Applicant specifically includes every person and/or entity that seeks or is entitled to a hearing before the Board of Supervisors of Solebury Township, Solebury Township Planning Commission, the Solebury Township Zoning Hearing Board and/or the Historical Architectural Review Board," so that the definition now reads:

A landowner or developer, including heirs, successors, assigns and grantees, who has filed a complete application for subdivision and/or land development, or a complete application for a special exception, variance, or conditional use, or a complete application for a certificate of appropriateness. Applicant also includes a person or entity who applies for the placement/location of a telecommunications facility.

2. **AMEND** the term, "APPLICATION," to **ADD** the word "or" between "variance" and "conditional use;" to **STRIKE** the phrase "or permit;" and to **STRIKE** the sentences "The term 'application' also includes every duly filed request that requires a hearing before the Board of Supervisors of Solebury Township, the Solebury Township Zoning Hearing Board and/or the Historical Architectural Review Board. The meetings of the Solebury Township Planning Commission are not subject to the requirements of this part," so that the definition now reads:

A duly filed application for subdivision and/or land development; or, a duly filed application for a special exception, variance, or conditional use; or, a duly filed application for a certificate of appropriateness; or, a duly filed application for the placement/location of a telecommunications facility.

3. **AMEND** the term, "DULY FILED," to **STRIKE** the words "for permits" so that the definition now reads:

An application for approval by the Township, which is complete in terms of plans, reports, studies, maps, investigations, analyses, exhibits, fees, and the like. Applications for variances, special exceptions, conditional uses, subdivision, land development, certificates of appropriateness and the like shall not be considered as being duly filed unless all plans and papers are submitted as required by the Township.

4. **AMEND** the term, "ORDINANCE," to **REPLACE** the word "cilia" with "alia" so that the definition now reads:

The duly enacted ordinances of Solebury Township, including, but not limited to, Chapter 27, Zoning, as amended; Chapter 22, Subdivision and Land Development, as amended, the Solebury Township ordinance establishing, inter alia, the Historical Architectural Review Board; and every other Solebury Township ordinance and Solebury Township resolution that provides for public hearings.

C. **AMEND** Section 1-604 "Applicant's Obligations" as follows:

1. **AMEND** Section 1-604.1. to **STRIKE** the sentence “The applicant shall be responsible for the legal adequacy of the text of the notice and the accuracy of the addresses furnished to the Township,” so that it now reads:

Contemporaneous with the filing of an application, the applicant shall certify to the Zoning Officer or HARB Administrator, if applicable, and the Township Secretary, the mailing addresses of all abutting landowners, and owners of all properties within 1,500 feet of the lot line of the lot, building or structure at issue in order for all affected individuals and entities to receive notice by mail of the application. In addition, the applicant shall provide the proposed text of the notice to be mailed, in conformance with Appendix K-101, to the affected individuals and entities, which shall include the location of the lot, building or structure involved, the relief sought, and the general nature of the question/issue involved.

2. Existing Sections 1-604.2. and 1-604.3. shall be **RENUMBERED** as Sections 1-604.4. and 1-604.5., respectively, and the following language shall be **ADDED** as new Sections 1-604.2. and 1-604.3.:

2. No sooner than 30 days prior to the hearing date, nor later than 21 days prior to the hearing date, the applicant shall notify the abutting owners and owners of all properties within 1,500 feet of the lot line of the lot, building or structure at issue, at the addresses certified by the applicant. Such notice shall be made by regular mail on a form attached hereto as Appendix K-101. No later than 10 days prior to the hearing date, the applicant shall provide the Township with proof of mailing.

3. No sooner than 30 days prior to the hearing date, nor later than 21 days prior to the hearing date, the applicant shall also post a copy of the Appendix K-101 notice at a minimum of two conspicuous locations on the subject property. The size of the postings shall be greater than 200 square inches. The applicant shall submit photographs of the posting to the Township no later than 10 days prior to the hearing date.

D. AMEND Section 1-605 “Township Notice Obligations” as follows:

1. **AMEND** Section 1-605.1. to **STRIKE** Subsections B. through D. in their entirety.

E. AMEND Section 1-607 “Costs” as follows:

1. **STRIKE** the section in its entirety.

F. AMEND the Township of Solebury Code of Ordinances Appendix to **ADD** a new Appendix K-101 “Notification of Plan Submission” as follows:

Dear Property Owner:

This letter is written to inform you that _____ has filed a _____ application for property located on _____ Road in Solebury Township comprising _____ acres and identified as Tax Map Parcel Number(s) _____. The legal owner of the property is _____. The _____ application proposes to _____. Copies of the _____ application are available for inspection at the Solebury Township Municipal Building. The telephone number of Solebury Township is 215-297-5656. You may also contact (insert developer / applicant contact information) _____, a representative of _____ at _____ to answer any questions you may have concerning the application. The developer / applicant intend to present the above referenced proposal at the (insert reviewing body, i.e.: Planning Commission) _____ meeting on (insert date, time and location) _____. Electronic copies of the plans and other documents submitted for this application can be found at the Township website at www.soleburytp.org.

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 July, 2023.


BOARD OF SUPERVISORS OF SOLEBURY
TOWNSHIP, BUCKS COUNTY,
PENNSYLVANIA



Mark Baum Baicker, Chair



Hanna Howe, Vice Chair



John Francis, Member




Robert A. McEwan, Member



Kevin Morrissey, Member

Attest:



Catherine Cataldi, Township Secretary