

**SOLEBURY TOWNSHIP BOARD OF SUPERVISORS**

September 19, 2017 – 7:00 P.M.

**Solebury Township Hall**

**MINUTES**

Attendance: Kevin Morrissey, Chair, Helen Tai, Vice-chair, Mark Baum Baicker, Paul Cosdon, Dennis H. Carney, Township Manager/Secretary, Michele K. Blood, Finance Director / Treasurer, and Catherine Cataldi, Administrative Assistant, Jordan B. Yeager, Solicitor, and C. Robert Wynn, Township Engineer, were also in attendance

Absent: Noel Barrett

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

Audio recording device was then turned on.

**II. Approval of Bills Payable**

**Res. 2017-120 – Upon a motion by Ms. Tai, seconded by Mr. Cosdon, the list of Bills Payable dated September 14, 2017 were unanimously approved as prepared and posted.**

**III. Approval of Minutes – September 5, 2017 Regular Meeting – Mr. Cosdon requested minor revisions to the draft Minutes, all of which were agreed to by the Board.**

**Res. 2017-121 – Upon a motion by Mr. Baum Baicker, seconded by Ms. Tai, the Minutes of the September 5, 2017 meeting were unanimously approved with revisions.**

**IV. Announcements/Resignations/Appointments**

- The Board announced an executive session held on September 19, 2017, dealing with legal issues.
- Aquetong Spring Committee - The committee requested that the Board of Supervisors approve the extension of the Aquetong Spring Committee expiration date to December 31, 2017.

Mr. Cosdon noted that it was a little over two years ago when he made the recommendation to form this Committee. It was the intent to have the Committee complete its work within 1 year, which was not feasible. It was then extended for a second year, which expired in September. Hopefully the Committee will be able to finish up their work by the end of 2017.

- Mr. Morrissey announced that with the resignation of Jim Searing, he was selected as the Liaison for the Aquetong Spring Committee. As Liaison, Mr. Morrissey will work with the Committee to determine whether to extend the date beyond 12/31/17.

**Res. 2017-122 – Upon a motion by Ms. Tai, seconded by Mr. Baum Baicker, it was unanimously agreed to extend the Aquetong Spring Committee expiration date to December 31, 2017.**

## V. Supervisors Comment

- Mr. Cosdon noted that in reviewing last month's meeting minutes there was a question as to whether the commas were inserted in the referendum presented to the Board of Elections concerning the ambulance service. After checking with the Township Solicitor, they were in fact inserted as the Board voted upon.
- Mr. Morrissey announced the Annual Solebury Community Meeting with the Department of Environmental Protection (DEP) to discuss New Hope Crushed Stone (NHCS) Quarry issues. The meeting is to be held on Wednesday, October 4, 2017, 7:00 PM at the Solebury Township Building. Representatives from the Township and DEP will be attending. This is an opportunity for the community to exchange information directly with the DEP regarding this issue. Mr. Morrissey urged Solebury residents to attend the Community Meeting and opened the invitation to New Hope residents as well.

VI. **Public Comment** – No early public comment was offered

VII. **Presentation** – Andy Hamilton - September Eleventh National Memorial Trail and the Circuit Coalition Steering Committee

Mr. Hamilton delivered a power point presentation (copy of which is attached to this documentation) identifying the September Eleventh National Memorial Trail's objective of seeking a resolution of support for the 1300 mile multi-purpose trail. The presentation included pictures of 9/11, the plan to connect all of the memorials and all counties, municipalities and states involved. Conversation ensued between the Board, Mr. Hamilton and the audience regarding funding, maintenance, aspects of the trail and projected time frame of completion.

**Res. 2017-123 - Upon a motion by Mr. Baum Baicker, seconded by Mr. Cosdon, it was unanimously agreed to endorse Solebury Township's involvement in the September Eleventh National Trail.**

Mr. Hamilton delivered a power point presentation (copy of which is attached to this documentation) identifying the Circuit Coalition Steering Committee's objective of seeking a resolution of support for the 750 mile Circuit Trail. The presentation included a breakdown of existing, in progress, and planned areas of the trail. Conversation ensued between the Board and Mr. Hamilton regarding time frame of completion, aspects of the trail and funding.

**Res. 2017-124 - Upon a motion by Mr. Cosdon, seconded by Mr. Baum Baicker, it was unanimously agreed to support Solebury Township's involvement in the construction of the Circuit trail.**

## VIII. Public Hearing

Conditional Use Application Acknowledgement (Lynn Builders, LLC, 1855 River Road, TMP #41-036-099 & 41-036-097)

The public hearing was opened by Jordan B. Yeager, Township Solicitor.

The Applicant, Lynn Builders, LLC, was represented by Edward Wild, Esquire - Benner & Wild, Steve Yates, Principal - Lynn Builders LLC, and Jim Faber, Principal/Registered Landscape Architect – McCloskey & Faber, P.C. A court stenographer was present to record the testimony. Following testimony by the applicant's Attorney and Landscape Architect, the hearing was closed.

**Res. 2017-125 - Upon a motion by Ms. Tai, seconded by Mr. Morrissey, it was unanimously agreed to approve the Conditional Use Application of Lynn Builders, LLC with the following conditions, which shall be incorporated into the Adjudication to be prepared by the Township Solicitor:**

- 1. Applicant, or its successors, will enter into a deed of consolidation or merger of adjoining parcels TMP # 41-36-99 and 41-036-097, and to an easement or other appropriate instrument restricting further subdivision and further land development in forms acceptable to the Township and to be filed of record with the Recorder of Deeds;**
- 2. To the extent that herbicides are necessary, Applicant agrees to use the least toxic herbicides available and effective, in consultation with the Township's landscape architect;**
- 3. Applicant agrees to enter into an Inspection and Maintenance Agreement to the extent required by, and subject to review and approval by, the Township's Solicitor, Engineer and Landscape Architect;**
- 4. Applicant will carry out the project and conduct the use in strict conformance with the Application, testimony, evidence and representations of the Applicant and its representatives at the hearing, including the Corridor Management Plan and Report and Applicant's expert testimony;**
- 5. Applicant will obtain all permits and approvals from any agencies that have jurisdiction over relate matters, including the Township;**
- 6. Any Township expenses that are properly part of the conditional use process will be paid to the extent not already done so;**
- 7. Applicant will comply with the rules, regulations and ordinances of the Township, the Commonwealth of Pennsylvania, and the United States.**

#### **IX. Old Business**

New Hope Crushed Stone (NHCS) Quarry Update – Mr. Morrissey provided the following update:

Last year the NHCS Quarry appealed to the PA Environmental Hearing Board (EHB) that the DEP compliance order to complete quarry reclamation by mid-2019 was unreasonable.

On September 7, 2017, the EHB issued their ruling in favor of the position held by Solebury School, Solebury Township, and the Department of Environmental Protection (DEP) supporting the reclamation mid 2019 completion date and dismissing the New Hope Crushed Stone appeal.

The following are excerpts from the EHB opinion:

"The Board dismissed the stone quarry's appeal of a Department letter amending the stone quarry's reclamation plan. The Department's modifications to hasten reclamation efforts in order to expeditiously abate the propagation of sinkholes in the area caused by the quarry are reasonable and in accordance with the law."

"The Department's (DEP) modifications to New Hope's reclamation plan were lawful, reasonable, and supported by the facts."

"The pumping limit of 500,000 gpd provides flow to Primrose Creek that is comparable to that in similar streams (T. 264), and it is a reasonable temporary measure until water fills the quarry pit."

The summary of this ruling is that New Hope Crushed Stone quarry is still obligated to complete quarry reclamation by mid-2019.

**X. New Business**

Mr. Todd Broad (3792 Aquetong Rd, Carversville, PA TMP # 41-004-039)

The Historic Architectural Review Board (HARB) recommended the issuance of a Certificate of Appropriateness to TMP #41-004-003, 3792 Aquetong Road, to repair and reconstruct the existing stone wall with the same dimensions and the same materials.

**Res. 2017-126 - Upon a Motion by Mr. Baum Baicker, seconded by Ms. Tai, it was unanimously agreed to issue a Certificate of Appropriateness to TMP #41-004-003, 3792 Aquetong Road.**

2535 River Road, LLC (Hotel du Village - 2535 River Road, New Hope, PA TMP # 41-028-020-002)

The Historic Architectural Review Board (HARB) recommended issuance of a Certificate of Appropriateness to TMP# 41-028-002, 2535 River Road to restore or replace windows as described in the window schedule including repair or replacement of sashes as seen in the historic photographs and submitted cut sheet; repair or replacement of the window trim and repair or replacement of sills. The color of the trim is to be equivalent to Benjamin Moore #2134-20, Midsummer Night.

**Res. 2017-127 - Upon a Motion by Mr. Baum Baicker, seconded by Mr. Cosdon, it was unanimously agreed to issue a Certificate of Appropriateness to TMP # 41-028-002, 2535 River Road.**

Minimum Municipal Obligation Acknowledgement (MMO)

Mr. Carney informed the Board of the pension plans' anticipated financial obligations for 2018. The MMO must be acknowledged in a public meeting no later than the end of September. Mr. Carney noted the significant decrease in obligation over the years.

**Res. 2017-128 - Upon a Motion by Mr. Cosdon, seconded by Mr. Baum Baicker, it was unanimously agreed to acknowledge receipt of Solebury Township's 2018 Minimum Municipal Obligations for the Townships Pension Plan as follows:**

**Police Pension Plan - \$241,531**

**Non-Uniform Pension Plan (09-123-5 N1) - \$43,462**

**Non-Uniform Pension Plan (09-123-5 N2) - \$11,102**

Intergovernmental Agreement for Use of Recreational Facilities

Ms. Tai opened the discussion with the following:

*Although New Hope and Solebury are legally distinct municipalities, in many ways we are very much one community, e.g., we share the New Hope-Solebury School District, the New Hope-Solebury Library, Emergency Medical Services and the Eagle Fire Company. Additionally, residents of both New Hope and Solebury participate in Solebury's park & rec programs, including soccer, football, baseball, t-ball, softball, lacrosse, basketball, and summer camp.*

*I believe that sharing these services benefits residents of both municipalities and increases our sense of community. I would like residents of both communities to continue to participate in the Solebury park & rec programs, but I would also like both municipalities to pitch in their fair share of the costs. Right now, Solebury taxpayers are paying about 25 times more than New Hope taxpayers. Each year, Solebury taxpayers are paying approximately \$15 per capita while New Hope taxpayers are paying 59 cents per capita, and this does not include the cost of land acquisition or construction of fields and accompanying infrastructure such as parking lots and restrooms.*

*Back in 2006, the two municipalities agreed that New Hope Borough would pay \$1500/year to offset the cost of park & rec administration and also help pay for grant acquisition and matching. In exchange, their residents could participate in the Solebury programs for the same fee as Solebury residents. The amount was to be "frozen" at \$1,500 from 2007-2011, and subject to increase thereafter. Given that eleven years have passed since the agreement was signed and that our costs have continued to increase, I believe we are long overdue to reset the amount.*

*Here are some figures to help you put it in perspective:*

*This year, Park & Rec administration & operations are projected to be about \$188,000. Of which:  
\$59,000 comes from program revenues  
\$127,500 paid for by Solebury Taxpayers  
\$1,500 paid for by New Hope Taxpayers*

*Since 2007:*

*Solebury taxpayers have paid over \$1.1 million in administration and operations while New Hope taxpayers have paid about \$16,000. Solebury residents have paid \$131 per capita while New Hope residents have paid \$6 per capita, yet New Hope residents are enjoying the same services and programs as Solebury residents. In 2014, the Solebury Township Board of Supervisors raised this inequity with New Hope Borough Council (NHBC) and requested that New Hope contribute more of its fair share. NHBC refused. In the interest of being good neighbors, we did not insist. However, as a representative of Solebury residents, I can no longer in good conscience ask our taxpayers to continue to subsidize this expense for New Hope. Therefore, a couple weeks ago, our Township Manager sent a formal letter to NHBC inviting them to a meeting to determine an equitable cost sharing agreement for all of our shared services. Since both municipalities are working on their 2018 budgets, we asked them to meet with us in September. Last week, they responded that they would not meet with us until January. However, waiting until January does not allow for adjustments to be made for New Hope or Solebury's 2018 budget, which must be approved in December. Looking forward to 2018, we are projecting net expenses of approximately \$141,000. An equitable split would be about \$12.50 per capita, or:*

*\$109,000 for Solebury  
\$32,000 for New Hope*

*Therefore, I propose that we rescind or modify the current agreement, which unfairly burdens Solebury taxpayers, and increase New Hope's contribution from \$1500 to \$32,000. Furthermore, as the original agreement states, New Hope should help shoulder the financial commitments for grant matching. As I said, I fully support allowing New Hope residents to participate in our park & rec programs and pay the same registration fees as our residents. But for this to be fair, this means that New Hope taxpayers should pitch in at the same rate as Solebury taxpayers.*

*Conversation ensued between the Board, the Township Manager and the audience.*

**Mr. Morrissey has agreed to reach out to New Hope's Borough Council's Chair.**

**XI. Subdivisions/Land Developments/Conditional Uses**

Escrow Release - Tachowiak

C. Robert Wynn, Township Engineer, reviewed the applicants requested escrow release and recommended that the Board release \$41,910.00 for construction items.

**Res. 2017-129 - Upon a Motion by Ms. Tai, seconded by Mr. Cosdon, it was unanimously agreed to release the escrow in the amount of \$41,910.00 to the applicant in regards to Tachowiak grading permit.**

**XII. Public Comment**

Resident, Paul Secraw, requested the Board support necessary actions to upgrade the intersection of Stoney Hill and Aquetong Roads to a four-way stop. Mr. Carney advised Mr. Secraw that this intersection consists of State owned roads. Mr. Carney offered to contact PennDOT with the information Mr. Secraw provided. Additionally, Mr. Carney will copy the Township Traffic Engineer so he can advise Solebury Township how to proceed further.

Mr. Baum Baicker noted that last week the Delaware Valley River Basin Commission made a decision that affects fracking. Out of the five (5) votes, three (3) voted in favor of a resolution to prohibit fracking, one (1) voted against the resolution to prohibit fracking and 1 abstained. The resolution is not thorough enough. It is only for fracking, fracking in two (2) counties (Wayne and Pike) and doesn't deal with waste water. This could potentially be a problem with those down lower along the Delaware River. The Board will stay in touch very closely, in regards to this. Mr. Baum Baicker feels the Community needs to be aware of this. Ms. Tai commented about the two (2) issues with the resolution: 1) It could potentially allow fracking waste water to be released into Solebury Township's water basin, and 2) It could allow water to be removed from Solebury Township to help with the fracking.

**XIII. Adjournment**

**Res. 2017-130 – Upon a motion by Mr. Morrissey, seconded by Ms. Tai, the meeting was adjourned at 9:02 p.m.**

Respectfully submitted,  
Catherine Cataldi  
Administrative Assistant