

SOLEBURY TOWNSHIP BOARD OF SUPERVISORS

October 18, 2022 – 6:00 P.M.

Hybrid Budget Meeting

MEETING MINUTES

Attendance: Mark Baum Baicker, Chair, John S. Francis, Vice-Chair, Hanna Howe, Kevin Morrissey, Christopher Garges, Township Manager, Michele Blood, Assistant Manager, and Catherine Cataldi, Secretary. Mark L. Freed, Township Solicitor and Curtis Genner, Township Engineer were 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 – October 13, 2022

Res.2022-138 – Upon a motion by Mr. Francis, seconded by Mr. Morrissey, the list of Bills Payable dated October 13, 2022 was unanimously approved as prepared and posted.

III. Approval of Meeting Minutes – October 6, 2022 Budget Meeting

Res.2022-139 – Upon a motion by Mr. Morrissey, seconded by Ms. Howe, the Minutes of the October 6, 2022 Budget Meeting were unanimously approved as prepared and posted.

IV. Announcements/Resignation/Appointments

Executive Session

The Board announced an Executive Session held October 18, 2022, prior to the meeting, dealing with Zoning and Legal Matters

V. Supervisor Comment – No Supervisor Comment

VI. Public Hearings

Revision to Single-Use Plastic Ordinance – Authorization to Adopt

The proposed revision to the ordinance includes the removal of the words related to “handles” from the produce bag definition so that it reads:

Any bag used exclusively to carry produce, meats, fish, other foods items, merchandise, or bulk items such as nuts, grains, or candy to the point of sale inside a store; to prevent such items from coming in direct contact with other purchased items; to contain prepared foods or unwrapped bakery goods; to contain or wrap flowers, potted plants, or similar items; or to transport chemical pesticides, drain-cleaning chemicals, or other caustic chemicals sold at the retail level. The Board authorized the advertisement of the proposed ordinance revision at the September 20, 2022 Board of Supervisors meeting.

Res.2022-140 – Upon a motion by Mr. Francis, 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 USE OF REUSABLE BAGS AND PROHIBIT THE USE OF SINGLE-USE CARRY-OUT PLASTIC BAGS

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

Upon a Motion by Larry Peseski, seconded by CL Lindsay, it was unanimously agreed to recommend the issuance of a Certificate of Appropriateness to TMP # 41-004-010 as follows:

The application as submitted along with Exhibit A (EA) version reviewed in the meeting, which provided details is approved with the following conditions and clarifications:

- 1. Only wood and painted Kolbe and Kolbe or Marvin manufactured windows as will be used for the existing portion of the Inn.*
- 2. Painted wood or black aluminum clad wood Kolbe and Kolbe or Marvin manufactured windows will be used for the addition to the Inn. Paint colors per the EA.*
- 3. Deck separator walls will be stricken from the plans.*
- 4. Windows and shutters will be repaired/restored first (if possible) in all cases or replaced, per specs in the EA.*
- 5. Kolbe and Kolbe or Marvin wood manufactured windows will be installed on the west façade of the stairwell.*
- 6. The applicant be allowed to utilize wither Cedar Lap siding or Dutch lap siding with a smooth finish, horizontally positioned.*
- 7. Any wood replacement for the existing portion of the Inn must be replaced with wood of the same profile and dimension.*
- 8. Pointing color must match the existing as closely as possible and adhere to existing profile.*
- 9. The handicap railing will be an Amherst powder-coated metal to match the color of siding, Amherst Grey.*
- 10. The paint sheen will be as follows: satin for the siding, semi-gloss for the trim, and stucco will be flat.*
- 11. Five-inch black (to match the trim) or Amherst Berger manufactured aluminum gutter and downspouts will be used on the existing portion of the Inn.*
- 12. Five-inch black (to match the trim) or Amherst Berger manufactured aluminum gutter and downspouts will be used on the new addition to the Inn.*
- 13. The applicant will provide the site plan as approved by the Planning Commission that depicts site lighting and dumpster location along with the Motion by the Board of Supervisors.*
- 14. The approval is NOT FOR Board and Baton siding on the new addition.*
- 15. In all circumstances the applicant agrees to repair/restore windows, doors, and shutters before replacing.*

Mr. Baum Baicker presented the motion for the Board to authorize the Certificate of Appropriateness to TMP # 41-004-010, 6205 Fleecydale Road, as per the recommendations from the Historical Architectural Review Board.

Res.2022-141 – Upon a motion by Mr. Baum Baicker, seconded by Mr. Morrissey, it was unanimously agreed to amend the motion on the table to include the following:

- 16. Applicant, in going through the windows and shutters, prior to making a decision, is to consult with the Historical Architectural Review Board Chair.***
- 17. Due to supply chain issues, the applicant would have the option to use equivalent materials.***

Res.2022-142 – Upon a motion by Mr. Baum Baicker, seconded by Ms. Howe, it was unanimously agreed to authorize the Certificate of Appropriateness to TMP # 41-004-010, 6205 Fleecydale Road, as amended. 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

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

Res.2022-143 – Upon a motion by Mr. Morrissey, seconded by Mr. Francis, it was unanimously agreed to authorize the Board Chair and Township Solicitor to execute the Stipulation of Settlement Agreement on Zoning Hearing Board Appeal of Carversville Land Co., TMP # 41-004-010, 6205 Fleecydale Road once the agreement, and the documents referenced therein, are reviewed and approved by the Township Solicitor, the Township Engineer and Township Staff. Please note that the document must also be approved by the Township Zoning Hearing Board, which is also a party to the appeal and is represented by Stephen Imms.

Authorization to Execute Land Development Agreement and Record Plan - Carversville Land Co (TMP # 41-004-010, 6205 Fleecydale Road)

Res.2022-144 – Upon a motion by Mr. Francis, seconded by Ms. Howe, it was unanimously agreed to authorize the Board Chair to execute the land development agreement, financial security agreement and record plan for Carversville Land Co., TMP # 41-004-010, 6205 Fleecydale Road once those documents are reviewed and approved by the Township Solicitor and Township Staff. Approval of the documents requires compliance by the applicant with the conditions in the Land Development approval letter.

State Route 202 and Silver Tail Lane – Flashing Beacon

Mr. Baum Baicker gave an overview of the topic.

Barbara Zietchick, resident, thanked the Township. Ms. Zietchick expressed concerns regarding the placement of the flashing beacon signs and questioned if the signs could be mounted in a more visible location.

Res.2022-145 – Upon a motion by Mr. Baum Baicker, seconded by Mr. Morrissey, it was unanimously agreed to authorize the Township Administration to formally request PennDOT to install a yellow flashing warning beacon to the “Side Road” (MUTCD W2-2) warning sign for the southbound approach of Route 202. Additionally, to install a “Side Road” sign with flashing beacon for the northbound approach of Route 202, at an appropriate distance from the intersection. The beacon would be solar power.

VIII. Presentations

202 Property Presentation and Discussion

Mr. Morrissey and Ms. Howe presented a PowerPoint presentation (copy of which is attached). Highlights of the presentation included: Why the 202 property was purchased by the Township; Survey Process; Survey Response – Household Geographic Distribution; Who responded to the survey? – Overall; Who is represented by household survey? – Age Distribution; Township 202 Property Preference – Mean Average; Top 5 Choices; comments Restating Options on the Survey; New Suggestions; Concerns; and Township 202 Property Advisory Committee.

Lorraine Doan, resident, questioned if the committee’s meetings are to be open to the public.

Ed McGahan, resident, expressed opposition to the Township’s purchase of the property and use of the land preservation funds. Mr. McGahan expressed concerns for the maintenance and upkeep of the property.

Ann Toole, resident, thanked the Township for purchasing the property. Ms. Toole expressed initial concern regarding the use suggestions in the Survey, but her concerns are gone now after the presentation.

Barbara Zietchick, resident, thanked the Board for the presentation. Ms. Zietchick suggested the property be open for public use while the use is being determined.

Larry Peseski, resident, commented on the reasons for the property purchase.

Ms. Doan commented on the purchase of the 202 property. Ms. Doan expressed concerns for increased traffic issues and expressed disapproval.

Energy Transition Plan – Authorization to Adopt

Mr. Francis gave an overview of the Energy Transition Plan.

Louise Levy, resident, commented on the Energy & Climate Forum held Thursday, October 13, 2022. Ms. Levy recommended the Township help residents organize small solar power stations to provide clean electricity to a cluster of residences near the power station; establish a plan to heighten the awareness of community members to reduce their individual environmental impact; and a series of hybrid meetings with subject matter experts to present information on how residents can reduce their environmental footprint.

Res.2022-146 - Upon a motion by Mr. Francis, seconded by Ms. Howe, it was unanimously agreed to adopt the Energy Transition Plan as the roadmap for creation of a committee to manage energy transition in Solebury to achieve the goals set out in the "Ready for 100".

IX. Public Comment

- Lorraine Doan, resident, questioned the who is accountable for posting road closures on State owned roads within the Township.

X. Adjournment

The meeting was adjourned at 8:13 p.m.

Respectfully submitted,
Catherine Cataldi
Secretary

ORDINANCE NO. 2022-007

**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**

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;

WHEREAS, the Township has received a request to modify the definition of “Produce Bag or Product Bag” to allow for such bags with handles;

WHEREAS, it is in the public interest of the residents of the Township for the Township to accommodate the use of a Produce Bag or Product Bag with handles;

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 **AMENDED** as follows:

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

1. **AMEND** Section 10-502.B. to **STRIKE** the words “without handles” from the Definition of “Produce Bag or Product Bag” so that the definition now reads as follows:

B. Produce Bag or Product Bag means any bag used exclusively to carry produce, meats, fish, other foods items, merchandise, or bulk items such as nuts, grains, or candy to the point of sale inside a store; to prevent such items from coming in direct contact with other purchased items; to contain prepared foods or unwrapped bakery goods; to contain or wrap flowers, potted plants, or similar items; or to transport chemical pesticides, drain-

cleaning chemicals, or other caustic chemicals sold at the retail level.

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 18 day of October, 2022.

BOARD OF SUPERVISORS OF SOLEBURY
TOWNSHIP, BUCKS COUNTY,
PENNSYLVANIA



Mark Baum Baicker, Chair

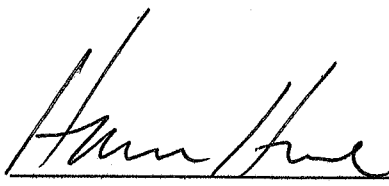


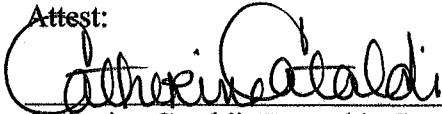
John Francis, Vice Chair



Kevin Morrissey, Member

Robert A. McEwan, Member


Hanna Howe, Member

Attest:

Catherine Cataldi, Township Secretary



Township 202 Property Survey



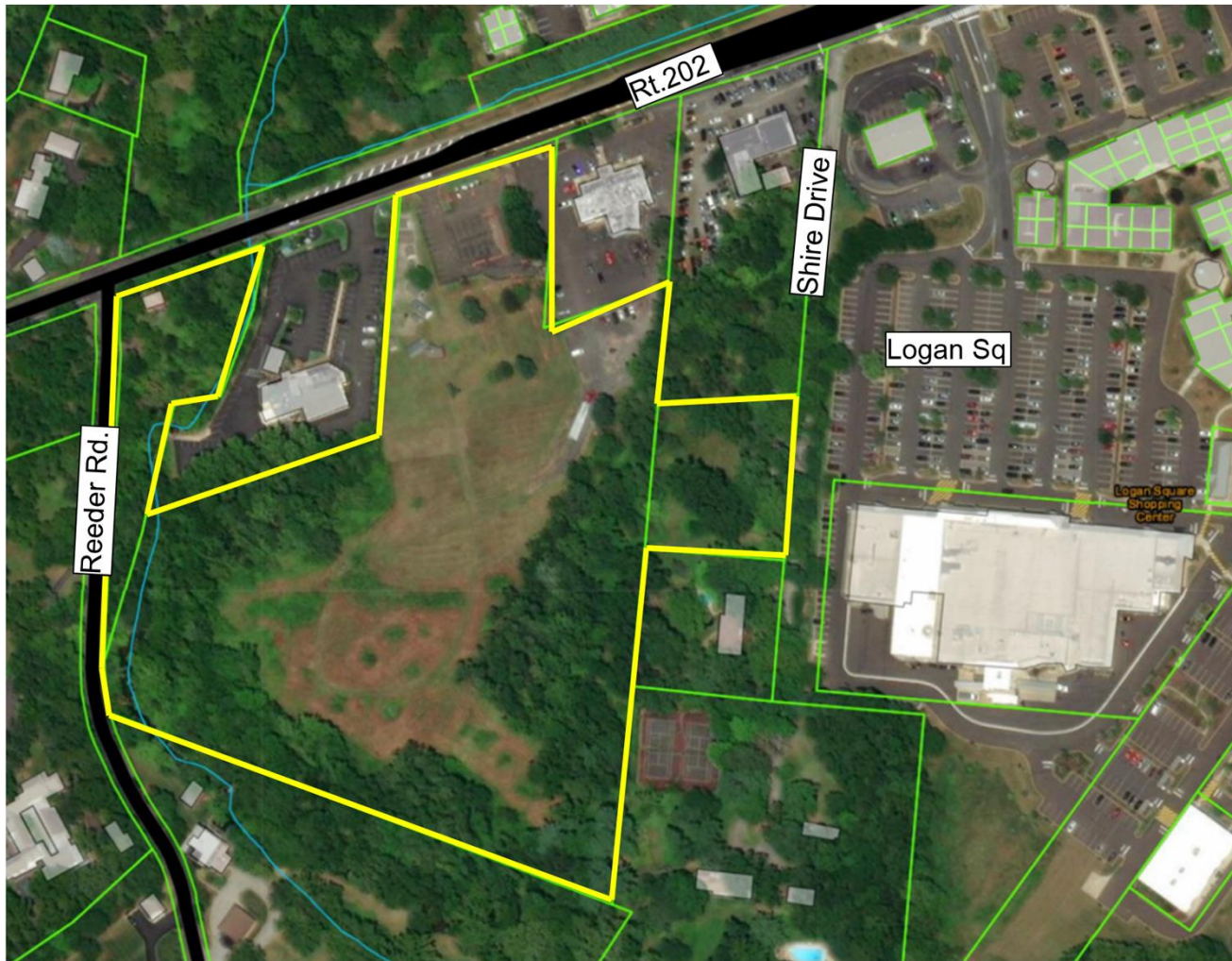
10/18/2022



Why the 202 property was purchased by the Township.

- **Community Feedback**
 - **Strong negative community response to dense development along route 202**
 - **Land preservation referendum**
- **Land preservation history**
- **Ordinances allow development per zoning**
- **Township can only respond to community requests as property owner**

The Township 202 Property is approx. 13 acres bordered by Reeder Rd. Rt 202 and Logan Sq.



Survey Process



Questions

- 1 - *What are the ages of the residents in the household*
- 2 - *What is address of the household*
- 3 - *Rank the household's preference of the list of broad choices*
"No opinion," "Not at all important," "Somewhat important," "important," "Very important," "Most Important"
- 4 - *Provide other comments*

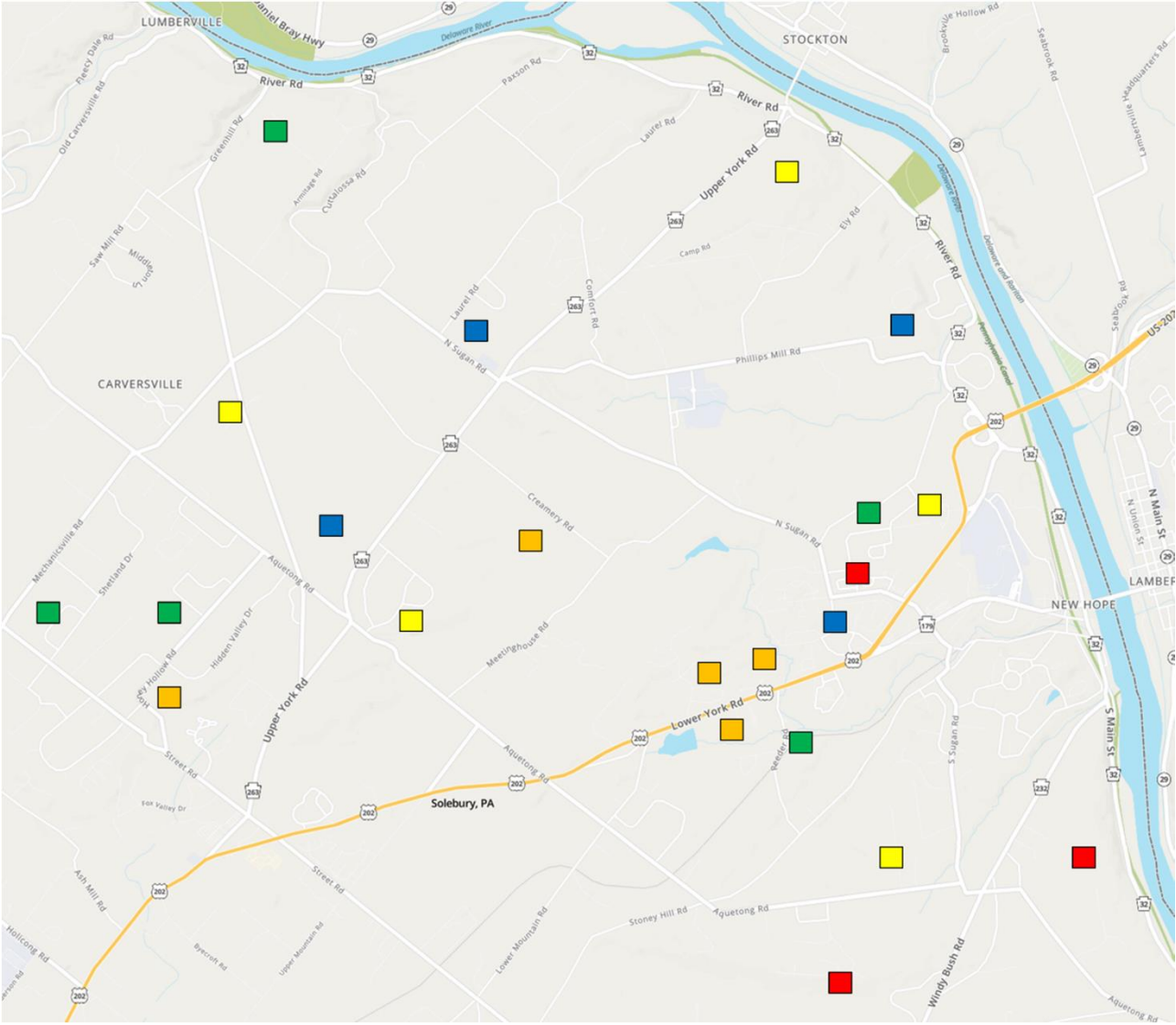
Basics

- Multi-Access / Township website, smartphone, direct website & hardcopy
- 1 Survey per house hold
- Survey access time range - 3/29/2022 to 4/24/2022

Advertised

- Township website, "Messenger" article, Township email notifications
- Post card to all Township household owners
- Publicized in local media
- Mentioned frequently in multiple BOS meetings
- Numerous Supervisor FaceBook postings

Survey Response – Household Geographic Distribution



Responses

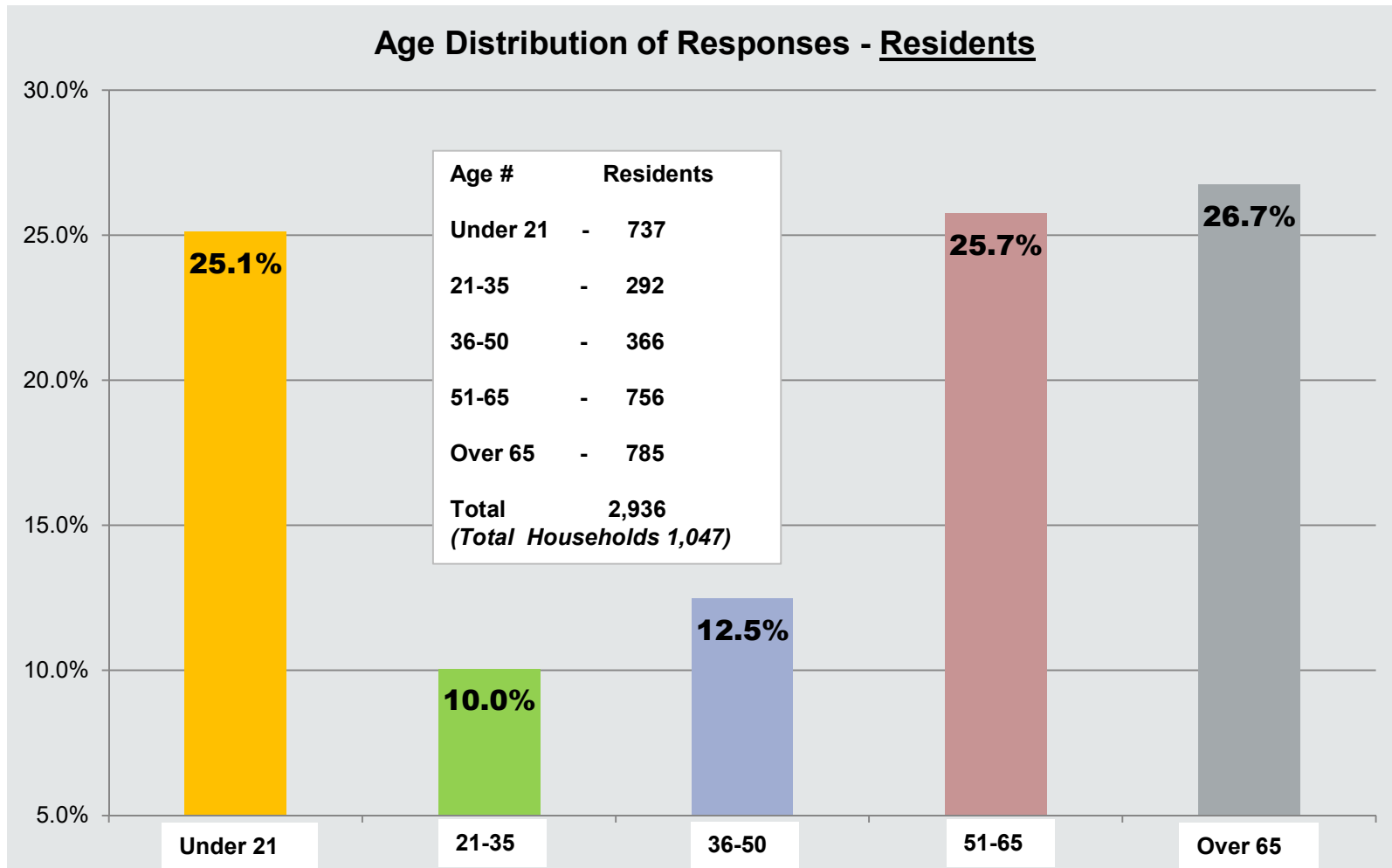
10-20 -	
21-40 -	
41-60 -	
61-80 -	
81-99 -	

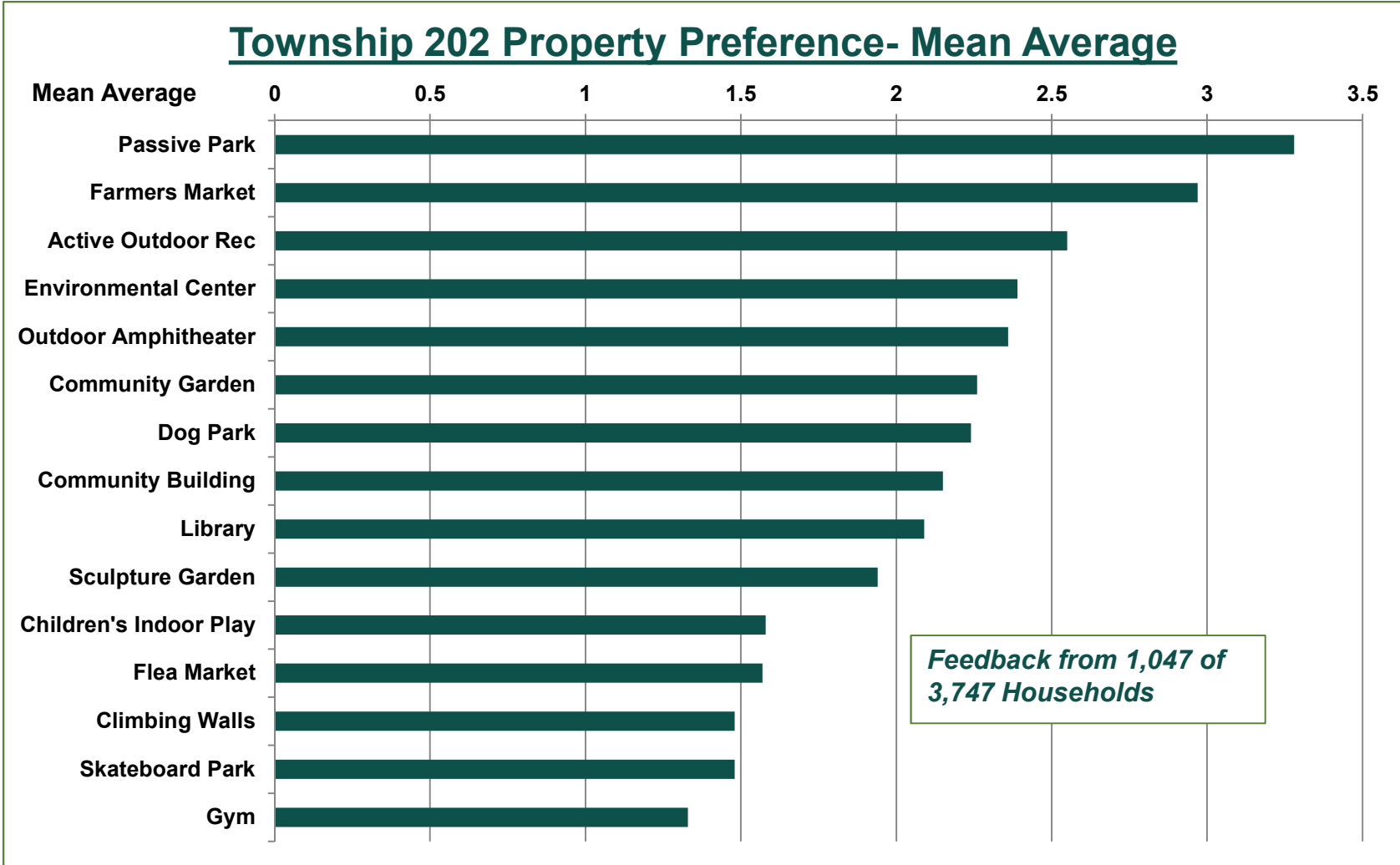
Location	Resp. #
North of 202	557
202 Corridor	335
South of 202	155
Total Households	1,047

Who responded to the survey? - Overall *(1 survey per household)*

	Total	Survey Replies	% of Total
Solebury Population -	8,709	2,936	33.7%
Solebury Households -	3,747	1,047	27.9%

Who is represented by the household survey? - Age Distribution



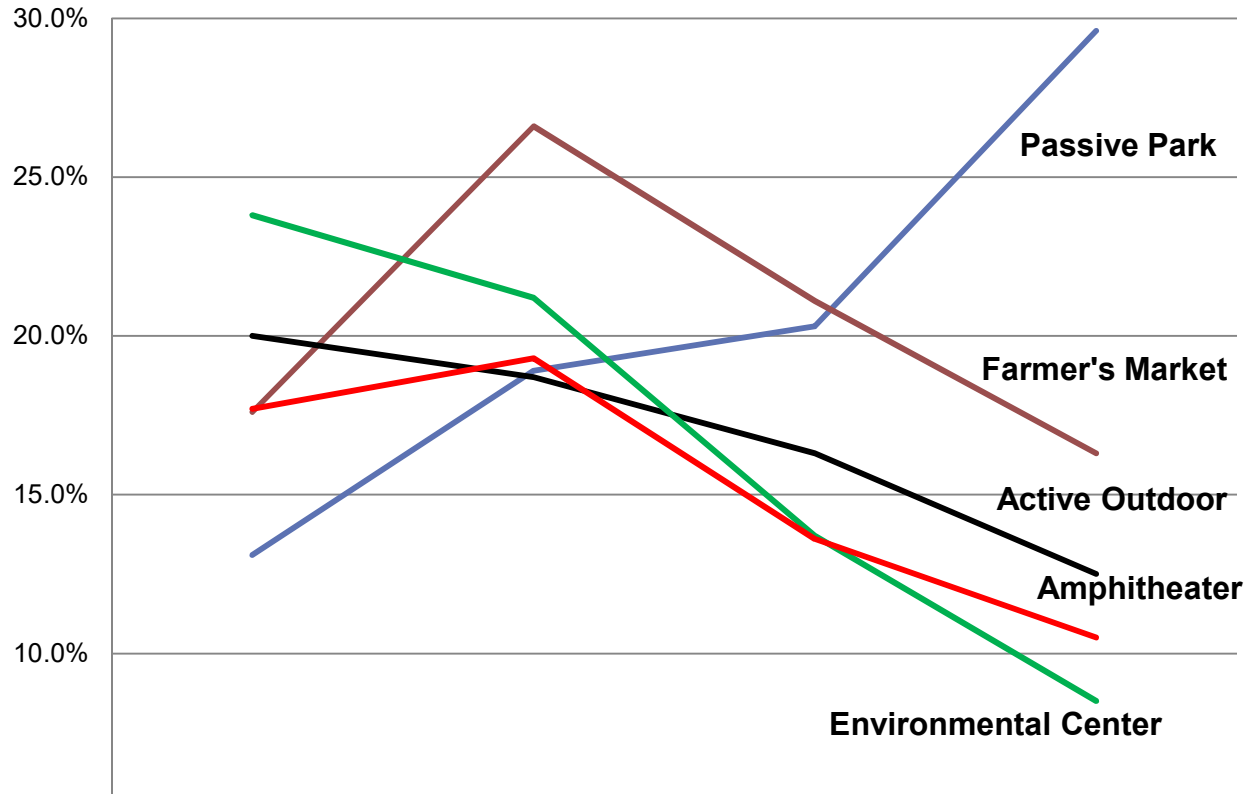


(Weighting: “no opinion” - 0, “Not at all important” - 1, “Somewhat important” - 2, “Important” - 3, “Very important”- 4, "Most Important“ - 5)

Top 5 Choices

Level of Importance

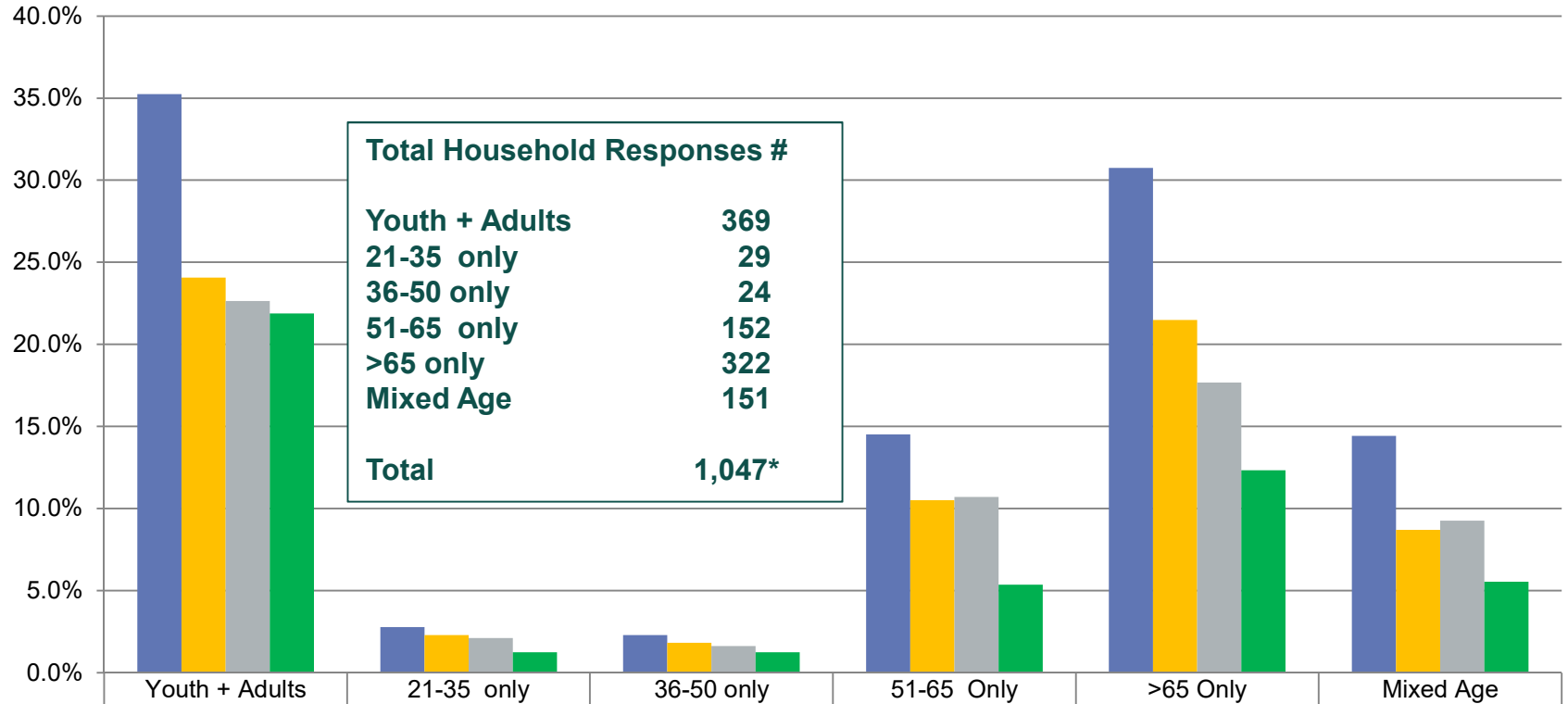
Feedback from 1,047 of 3,747 Households



	Somewhat Important	Important	Very Important	Most Important
— Open Space/Passive Park with Trails/Picnic Area	13.1%	18.9%	20.3%	29.6%
— Farmers Market	17.6%	26.6%	21.1%	16.3%
— Active Outdoor recreational area (e.g., athletic field, children's play area)	20.0%	18.7%	16.3%	12.5%
— Community Environmental Center, Educational, Composting	23.8%	21.2%	13.7%	8.5%
— Outdoor Amphitheater/Concert Shell	17.7%	19.3%	13.6%	10.5%

Level of Importance

Top 3 Survey Choices
Household Responses - Age Distribution / Important to Most Important

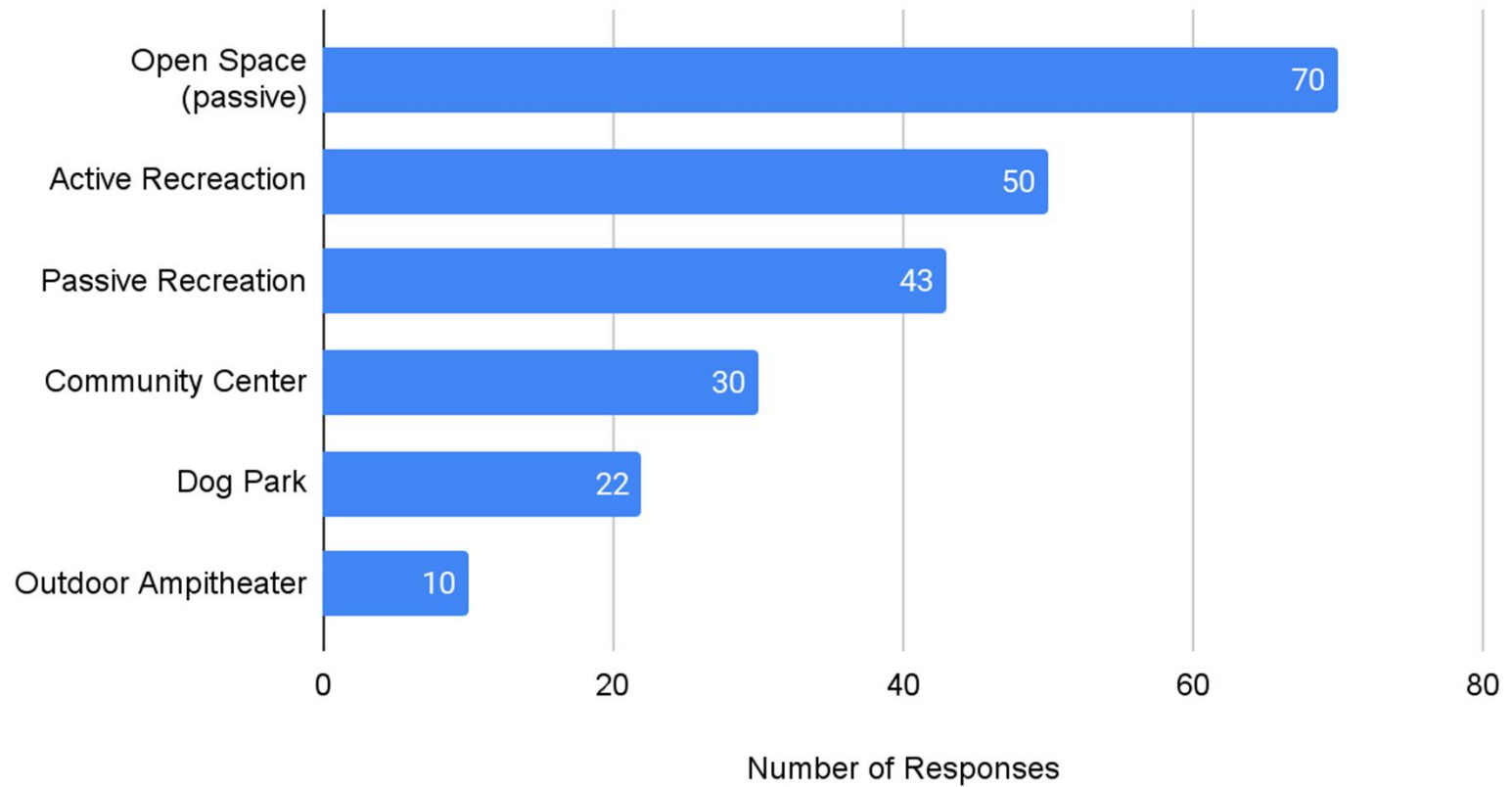


	Youth + Adults	21-35 only	36-50 only	51-65 Only	>65 Only	Mixed Age
■ Total Resp.	35.2%	2.8%	2.3%	14.5%	30.8%	14.4%
■ Passive Park	24.1%	2.3%	1.8%	10.5%	21.5%	8.7%
■ Farmers Mark.	22.6%	2.1%	1.6%	10.7%	17.7%	9.3%
■ Active Rec.	21.9%	1.2%	1.2%	5.3%	12.3%	5.5%

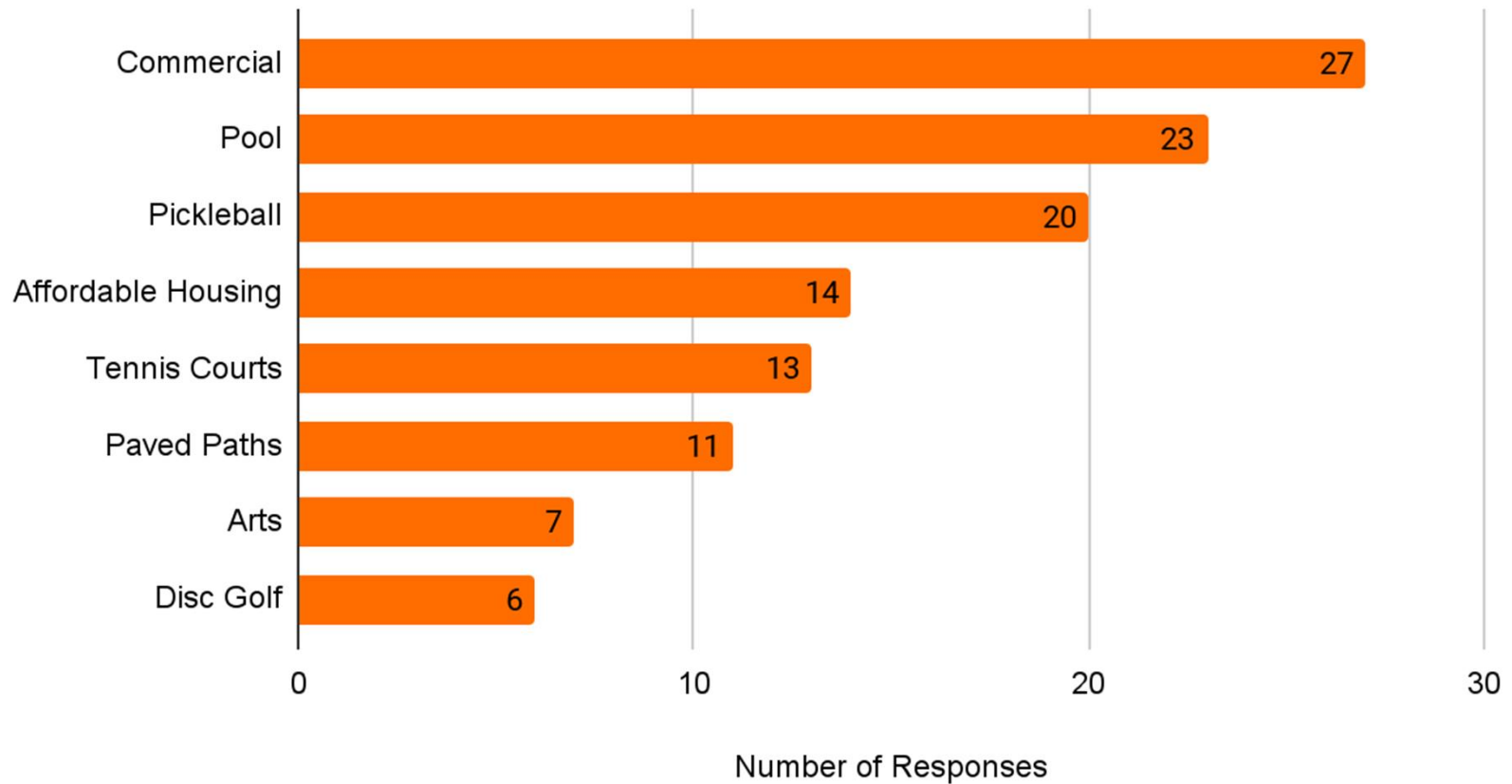
*Total Household # - 3,747 / 27.9% response rate.

468 comments total (out of 1,047 responses)

Comments Restating Options on the Survey



New Suggestions



Suggestions made fewer than five times (generally once or twice)

Community solar field	recycling center	food pantry
environmental center/birdwatching	movie theater	pavilion to rent
relocate the lower elementary here	reproduction Lenape village	turn LES into community center
summer camp	mountain bike skills/tire pumps	LGBTQIA venue
relocate historic houses here instead of tearing them down	camp ground	spa
outdoor ice hockey rink	bowling alley	visitor center
animal shelter	drive in movie theater	sell it
botanical garden	cat park	mini golf
horseback riding trail	splash pad	golf
drone flying field	parking with a shuttle to New Hope	

Concerns:

Increased traffic	27
noise	8
wetlands need to be reclaimed	4
truly negative comments	4

Township 202 Property Advisory Committee

-Charter/Goal/Purpose

- Use survey as guide
- Review and develop options
- Work with Township to implement

-Member designating process

- Similar to standard Township committee selection process
- Interview of candidates by Board of Supervisors within 30 days

-Committee process similar to Aquetong Spring Park committee

- Public/ Community discussion/updating
- Most funding via grant with Township match
- Extensive review/discussion of all aspects of property future
- Assisted by technical professionals

