

**SOLEBURY TOWNSHIP BOARD OF SUPERVISORS**

October 20, 2020 – 6:00 P.M.

**VIRTUAL MEETING**

**AMENDED MEETING MINUTES**

The October 20, 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, 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.**

**II. Approval of Bills Payable – October 15, 2020**

**Res. 2020-149 – Upon a motion by Mr. Francis, seconded by Mr. McEwan, the list of Bills Payable dated October 15, 2020 was unanimously approved as prepared and posted.**

**III. Approval of Minutes – September 22, 2020 Virtual Work Session and October 6, 2020 Virtual Budget Meeting**

**Res. 2020-150 – Upon a motion by Mr. Francis, seconded by Mr. Barrett, the Minutes of the September 22, 2020 Virtual Work Session and October 6, 2020 Virtual Budget Meeting were unanimously approved as prepared and posted.**

**IV. Announcements/Resignations/Appointments**

- Appointment of Buz Teacher as Associate Member to the Solebury Township Farm Committee

**Res. 2020-151 – Upon a motion by Mr. Baum Baicker, seconded by Mr. Barrett, it was unanimously agreed to appoint Buz Teacher, Solebury resident, without compensation, as Associate Member to the Solebury Township Farm Committee for term ending December 31, 2020.**

**V. Supervisors Comment**

- Mr. Baum Baicker commented on the awarded Department of Conservation & Natural Resources (DCNR) Grant to be used to continue the trail along Route 202, Between Kitchens Lane and Sugas Road.
- Mr. Baum Baicker commented on a Resolution to recommend authors of the next Comprehensive Plan to add a new category of roads to the Current Scenic and Most Scenic Roads. The proposed resolution is to be presented at a future Board of Supervisors' meeting.
- Discussion ensued regarding ways to recognize the heritage of Solebury, including Artists and proposal of an Arts Committee.

- Discussion ensued regarding property addresses for Solebury residents.
- Mr. Francis commented on the Sustainability Steering Group.
- Mr. Baum Baicker read Barbara Zietchick’s comment regarding the Arts:
  - Barbara Zietchick, resident, comment utilizing the chat feature: The Michener Museum has done a great job in showing the work of the New Hope Impressionists. Perhaps they could assist in the effort to recognize the township.

**VI. Public Comment – No Public Comment**

**VII. Public Hearing**

Historical Architectural Review Board – Certificate of Appropriateness – Brenna Gilbert and Andrew McCaughan (TMP # 41-002-077, 3589 Aquetong Road)

*Upon a Motion by Scott Minnucci, seconded by Nancy Ruddle, it was unanimously agreed to recommend issuance of a Certificate of Appropriateness to TMP# 41-002-077, 3589 Aquetong Road, for the replacement in kind cedar shake shingles for siding and roofing. The wood doors to be reconstructed to match existing and painted the same to match. The windows will be replaced with Norwood Custom Fabricated Windows and the color will be Off White and window sizes will be per the plan. Three restored antique light fixtures (18” x 6”) as submitted to be added to the structure. A blue stone terrace to be constructed per the submitted plan and the blue stone to match existing. Existing chimney to be removed and the installation of the one 10-inch, black, stainless steel stove pipe. The color of Off White to be used for the exterior window framing and trim. There will be no visible window hardware on the outside. Paint for the Dutch doors will be the Off-White to match existing and any paint used on a reconstruction will be the Sherwood Williams Creamy SW7013 that will also match the Off-White color for the Norwood windows.*

Ms. Zietchick comment utilizing the chat feature: Is it possible to place a plaque denoting the home as that of an artist.

**Res.2020-152 – Upon a motion by Mr. Baum Baicker, seconded by Mr. Barrett, it was unanimously agreed to issue a Certificate of Appropriateness to TMP # 41-002-077, 3589 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.**

Conditional Use – East State Carpentry Inc - Third Son LLC (6365 Old Carversville Road, TMP # 41-002-025)

The applicant proposes to install a 14’-6” wide x 6’high aluminum gate with 6” x 6” iron gate posts within the scenic road setback of Old Carversville Road.

The public hearing was opened by Mark F. Freed, Township Solicitor.

The Applicant, East State Carpentry Inc., was represented by Mike Carr, Attorney and Dale Jolliffe, President of East State Carpentry Inc.

Larry Peseski, 6332 Old Carversville Road, requested Party Status. A court stenographer was present to record the testimony.

Following testimony by all parties, the hearing was closed.

**Res.2020-153 – Upon a motion by Mr. Baum Baicker, seconded by Mr. Barrett, it was unanimously agreed to approve the Conditional Use application of East State Carpentry, Inc. to install an electric gate at 6365 Old Carversville Road, with the following conditions:**

- 1. The Applicant shall proceed in accordance with its application, the plans submitted, all supporting material, the evidence submitted, and all representations made by and on behalf of the Applicant.**
- 2. The Applicant shall proceed in accordance with the recommendations of the Township Zoning Officer set forth in his letter of October 6, 2020 and the Township Engineer set forth in his memorandum of October 7, 2020.**
- 3. The Applicant shall comply with the rules, regulations and ordinances of Solebury Township, the Commonwealth of Pennsylvania, the United States government and especially with the Solebury Township Zoning Ordinance and Subdivision and Land Development Ordinance.**
- 4. The Applicant shall obtain of all permits and approvals from any agencies having jurisdiction over same to the extent applicable.**
- 5. The Applicant shall pay all Township expenses related to the application to the extent not paid.**

#### **VIII. New Business**

##### Revised Sign Ordinance – Authorization to Send to Bucks County Planning Commission

The proposed ordinance amends the Solebury Township Zoning Ordinance regarding the use of signs.

**Res.2020-154 – Upon a motion by Mr. Baum Baicker, seconded by Mr. Morrissey, it was unanimously agreed to send the revised Sign Ordinance to the Solebury Township and Bucks County Planning Commissions for review.**

##### Planning Commission Proposal – Water Monitoring Program

*Upon a Motion made by TJ Francisco, seconded by Gretchen Rice the Solebury Township Planning Commission recommends the Board of Supervisors enact a water monitoring program as recommended on page #11 of the Sustainable Water-Supply Evaluation Update, Aquetong Creek Drainage Basin report prepared by UHL & Associates, Inc. dated August 5, 2020, to monitor the water quantity and quality along the 202 corridor.*

Mr. McEwan commented on the topic (copy of which is attached). Discussion ensued between the Board of Supervisors and TJ Francisco, Solebury Township Planning Commission.

Mr. McEwan and Mr. Francis commented that they are in favor of Mr. Morrissey’s motion based upon certain assurances: no costs would be incurred; that a plan and timeline would be agreed upon; and that all would be reviewed by the Board of Supervisors before to the start of any work by UHL & Associates or the Township Engineers.

Mr. Francis is to add this topic to the Sustainability Steering Group’s Agenda and advise the various Committees or their involvement.

**Res.2020-155 – Upon motion by Mr. Morrissey, seconded by Mr. Barrett it was unanimously agreed to request the Township Manager to contact the North Wales Water Authority, Bucks County Water and Sewer Authority, and, if necessary, Uhl and Assoc. to establish a water monitoring program for purposes of developing a history of the volume and quality of water in the 202 Corridor area. The Board of Supervisors are to be advised of all costs associated with this effort before implementation.**

**IX. Public Comment**

Larry Peseski, resident, expressed interest in less signage on the Old Carversville Road Iron Bridge.

**X. Adjournment**

The meeting was adjourned at 7:35 p.m.

Respectfully submitted,  
Catherine Cataldi  
Secretary

## **WATER**

R.A. McEwan 10/17/2020

The Aquetong Aquifer supply and measurements: notes on quantity, the measurements and Politics of water availability.

Solebury Township, like any municipality and Municipal Authority has the responsibility to keep a weather eye on its' water supply to protect its' resident's interests. Protection is a political as well as scientific issue.

Further along in the responsibility chain is the need to have written preparation scenarios for emergencies, which in the case of water would involve drought and quality issues caused by contamination. These notes will address only the issues of quantity and only the water coming from the Aquetong Aquifer which supplies the densely populated area of Solebury's residential and commercial establishments.

To be very clear these are my personal observations after 3 years as a Solebury Supervisor. They do not represent any other person or committees' points of view. As many of the "facts" noted in this dialogue are my own findings I welcome any and all corrections. As far as conclusions are concerned, I welcome positive feedback and ideas on how our community should tackle its' never-ending concerns about water availability. My point of view has settled on drought mitigation and not monitoring "water budgets."

There are several aspects to consider when Solebury Township discusses the Aquifer's water:

1. Specific OBJECTIVES of the township to sustain water availability and manage drought emergencies in the Aquifer and along the Route 202 corridor. Do our objectives address the risks, resident's issues and concerns/arguments over water supply?
2. Who are the Stakeholders in this dialogue and how do they or could they interact?
3. How, when and where do the stakeholders measure available water?
  - a. What do the measurements mean?
4. A review of DROUGHT EMERGENCY MEASURES in place by each stakeholder. If deficient, we should correct our policy and publicity.
  - a. Clarity on which Stakeholder can and should institute which specific emergency measures and communication chains to the community and other stakeholders.
5. Past water studies: Notes on how effective were they?
6. Conclusions

## **TOWNSHIPS OBJECTIVES**

- A. The Township should fulfill its' responsibility by assuring plans are in place to meaningfully monitor water quantity, and consistently update the residents to the status of the Aquifer (web site).

- B. Monitoring and pinpointing water status signals the need for benchmarks and measurement data which link to the benchmarks.
- C. Have in place a Drought Hazard Mitigation Plan that is agreed with the other stakeholders and is aligned with the Bucks County Hazard Mitigation Plan of 2016.

## **RESIDENTS FREQUENT QUESTIONS, CONCERNS AND POINTS**

Frequently heard comments which more transparency & objectivity should include the following: New development proposals in the Traditional Neighborhood Commercial (TNC) zoning area are often met with the catch phrase “what about the water usage”. This has almost become a ‘dog-whistle’ that is really saying we do not want development. TNC Development however is permitted within strong zoning and SALDO regulations. The Supervisors cannot stop it out of hand.

“There is a ‘ghost creek’ that runs only in rainy weather, so do not build on top of it.” The Township’s storm water management ordinance specifies strong solutions in this case.

“Water issues are a science issue, and since I am not a scientist or expert in the field, let’s hire an expert to run a test and tell us what to do.” Actually, water issues are also a political issue and the Township Supervisors need to divide the political and science segments and make sure they address and supply political solutions to the political problems.

## **STAKEHOLDERS**

and their responsibilities and ‘power’ to decide where water is allocated.

Bucks County Water and Sewer Authority (BCWSA) manages via permits and contracts the delivery of the majority of water from the Aquifer and also the disposal of the waste water.

North Wales Water Authority (NWWA) like BCWSA manages water delivery via permits and contracts with several communities along the 202 corridor.

New Hope Borough takes the largest percentage of the water from the aquifer at 77.7 (56%) Million Gallons per year (MGPY) per the 2020 July UHL report table #3.

- a. It has no administrative authority to permit new water hook ups or increased water usage.
- b. Solebury Township uses 62.1 MGPY (44%) from the major pumping stations along 202.
- c. Local wells are not included in this number.
- d. It has no administrative authority to permit new water hooks up or increased water usage. Its ordinances specify proper well installation.
- e. Lambertville Municipal Utilities Authority (LMUA) takes 153.6 MGPY, or 421 MGP Day of New Hope/Solebury waste water.

How these Stakeholders interact to prepare for emergencies could be a dialogue for the Solebury Board of Supervisors and the other stakeholders.

## **HOW DO THE STAKEHOLDERS MEASURE THE AQUIFER’S WATER AVAILABILITY?**

- BCWSA does not track quantity.
- NWWA does not track quantity.
- New Hope Borough does not have any information about water quantity on their web site.
- Solebury Township via UHL & Associates has measured groundwater sustainable water supply in 2000, 2005, 2008 and in 2019.

- LMUA (& presumably BCWSA) measures waste water going to their facility in Lambertville. LMUA & BCWSA have a contract that LMUA will take up to 625,000 GPD of waste water.

Note: Solebury's measurements may not mean much as there is no agreed benchmark that triggers water preservation efforts or mandates. LMUA's measurements presumably trigger a financial charge to BCWSA.

## **PLANS**

To slow water usage with residents and commercial enterprises do not currently exist. Bucks County has a HAZARD MITIGATION PLAN (update 2016. See droughts pages 35 to 47. <https://dataportal-bucksgis.opendata.arcgis.com/pages/countywide-plans>) but this has not been carried to a detailed level by the Township, Borough or Water Authorities.

- NWWA has suggested working more closely with the stakeholders to develop contingency plans.

## **PAST WATER LEVEL STUDIES**

The writer concludes the effectiveness of past Solebury Township Aquetong Aquifer WATER LEVEL STUDIES may one day be helpful in setting up a meaningful measurement program however these reports are not being or have not been used as a management tool or aide. Therefore, the reports have been a relative waste of money.

- The tests we run are not consistently run during high drought months, or follow any consistent dates, or drought events.

Since several residents who are water 'experts' indicate well water level studies are a best a crude tool; Since the Township has no benchmark of when, where and how to take action, no actions, except another test, has come out of these studies;

Since the Township has not recently engaged the other major stakeholders, or its' own Planning Commission in a dialogue on how to go about meaningful testing and evaluation of the reports that come out of tests;

Since we find ourselves in a circular pattern: we hire a consultant to run a test and make recommendations. We then hire another consultant to tell us what report said and verify its usefulness and recommend what to do next: both of whom recommend more tests. This pattern continues from Supervisor Board to Supervisor Board because institutional memory is short.

Etc.

## **CONCLUSION**

The Board of Supervisors should consider how to establish a dialogue with the Stakeholders to address our Drought Hazard Mitigation Plans. A key question is what how signals will tell us a drought is affecting our Aquifer? One suggestion is to make Aquifer WATER a sole topic of one of "2021 Supervisor morning talk meetings."

The Township should stop or delay testing without financial cooperation with the 3 larger stakeholders: BCWSA, NWWA, New Hope Borough.

This point of view is supported by the American Planning Association (APA) sustainability Principle "Harmony with Nature, point 2.9 "...Plan for a lasting water supply." And the Sustainable Pennsylvania Certified Community Program category 'Environmental Stewardship, Criteria 16 G: Cooperation is occurring with Neighboring municipalities to manage water and sewer supply, treatment & distribution ...:' In addition the Township's Comprehensive Plan specifically recommends under its Water Resources Policy (page 185/186) to "Promote practices that attempt to restore the natural water budget."

#### **APPENDIX ideas**

These ideas are offered to capture topics a 'drought mitigation plan committee' might discuss. While interesting to think about, they do not belong in the above dialogue.

1. Water can be sourced from the Delaware River, just like New Hope's Waterworks is doing today: 450,000 GPY
2. BCWSA could be asked to study the possibility to take more water from the River for both or one of our Communities, which would relieve the burden on the Aquifer and partially solve issue of "shipping Pennsylvania (aquifer) waste water to New Jersey."
3. The Aquetong Spring pumps +/- 3 million Gallons Per day into a stream. In case of a drought emergency how would BCWSA and or NWWA harvest some of the water for public use?
4. Measurement of a drought situation may be more important than water level study at certain times. The Bucks County Drought hazard mitigation plan indicates the County could suffer "severe" drought conditions about 5% to 9.9% of the time. The last major drought was 2010. The plan indicates measurement of a drought is best done by The Palmer Drought Severity index tool.
5. Most AT RISK drought parties are Farmers, Water dependent industry and Residents with Wells.
6. The term in our Comprehensive Plan "Natural water budget" is intriguing but vague and difficult to define numerically or even politically. If definable it would be expensive in time and money to establish. Therefore, is focusing on drought remediation the correct path for resident's protection?
7. This number will go up when the new River House Odette's facility begins drawing their contracted amount of 8,750 gallons per day (GPD) or about 3.1 MGPY. For reference BCWSA contract 8,750 GPD represents the consumption BCWSA would allow for 35 3/4-bedroom homes.