

SOLEBURY TOWNSHIP BOARD OF SUPERVISORS
November 21, 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, Robert McEwan, Kevin Morrissey, Christopher Garges, Township Manager, Michele Blood, Assistant Township Manager, and Catherine Cataldi, Secretary. Mark L. Freed, Township Solicitor and Curtis J. Genner Jr., P.E., 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.

II. Approval of Bills Payable – November 16, 2023

Res. 2023-150 – Upon a motion by Mr. McEwan, seconded by Mr. Morrissey, the list of Bills Payable dated November 16, 2023 was unanimously approved as prepared and posted.

III. Approval of Meeting Minutes – November 9, 2023 Budget Meeting

Res. 2023-151 – Upon a motion by Mr. Francis, seconded by Mr. McEwan, the Minutes of the November 9, 2023 budget 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 Personnel and Zoning Matters.

Resignation of Kellie Cummings from the Environmental Advisory Council

Res. 2023-152 – Upon a motion by Mr. McEwan, seconded by Mr. Morrissey, it was unanimously agreed to accept the resignation of Kellie Cummings from the Environmental Advisory Council effective immediately.

Appointment of Stuart Teacher to the Historical Architectural Review Board

Res. 2023-153 – Upon a motion by Mr. Baum Baicker, seconded by Ms. Howe, it was unanimously agreed to appoint Stuart Teacher, resident, without compensation to the Historical Architectural Review Board for term ending December 31, 2028.

V. Supervisor Comment – No Supervisor Comment

VI. Subdivision/Land Development

Sketch Plan Land Development - Fountainhead at Solebury (6650 Lower York Rd – TMP #'s 41-022-145, 41-022-152 & 41-022-152-001)

Ed Murphy, Wisler Pearlstine, LLP and Gregory Glitzer, P.E., Gilmore & Associates, Inc. presented the Sketch Plan for Fountainhead at Solebury to the Board of Supervisors. Mike McCormick, Preferred Development Services, Inc. and Kevin McCollum, Heritage Senior Living were also in attendance to offer

insight into the project and answer question. The applicant proposes a mixed-unit community consisting of single-family detached cottages, multi-family units, and a clubhouse-community center.

Mr. Baum Baicker questioned the proposed number of units. Mr. Glitzer confirmed that the proposed included one hundred and thirty (130) apartments and twenty cottages (20).

Ms. Howe questioned if all rentals were fifty-five and older. Mr. Glitzer confirmed that the development is to be a fifty-five (55) and older community.

Mr. Francis questioned the lease terms. The terms are to be a one (1) year lease then month to month after.

Mr. Baum Baicker inquired about the retail space and Urgent Care. Mr. Murphy advised that as of November 21, 2023, a partnership with a medical facility was still being sought.

Mr. Morrissey expressed displeasure as the Urgent Care was a focus in the original application. Mr. Morrissey expressed interest in the developers actively focusing on finding a partnership for the Urgent Care and providing updates to the Township Administration regarding these efforts.

Discussion ensued on the efforts taken to fill the partnership with a hospital for the Urgent Care.

Ms. Howe expressed interest in a wide variety of development opportunities for all ages and noted that the Urgent Care would benefit all.

Mr. Baum Baicker questioned if the developers do work outside of fifty-five and older. Mr. McCormick advised that most of their development is independent and assisted living.

Mr. Baum Baicker questioned how many parking spaces are proposed. Mr. Glitzer commented that the proposed would include three hundred and thirty-five (335) parking spaces. Mr. Baum Baicker questioned how many employees are expected? Mr. Glitzer advised that there is an estimate of thirteen (13) employees with split shifts.

Mr. McEwan encouraged public access along the Aquetong Creek.

Mr. McEwan suggested less mowing for a better sustainable position.

Mr. Genner questioned if there has been any thought to a vehicle connection from Logan Square to the Senior Facility.

Ms. Howe expressed disappointment that so much effort has been put into what is a creative community that is not going to foster a community where many different generations of people can live and afford.

Preliminary/Final Land Development – Solebury School Ball Fields (6832 Phillips Mill Rd – TMP #41-018-079)

Michael Bowker, Apex Engineer and Steve Feld, Director of Finance and Operations gave an overview of the project.

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.

A motion was made by Amishi Castelli and seconded by Gretchen Rice to recommend conditional approval of the land development project #23-611, conditioned upon compliance with all applicable Township ordinances including floodplain, E & S grading, stormwater and zoning, all comments and recommendations in the Wynn Associates memorandum dated November 7, 2023, Simone Collins memorandum dated November 9, 2023, McMahon Associates memorandum dated October 4, 2023 and Solebury Township Zoning Officer memorandum dated November 7, 2023, and recommendation of the requested waivers 1A through 1M in the Wynn Associates memorandum with the addition of a waiver as detailed in the Simone Collins memorandum for the plantings.

Mr. Feld acknowledged his positive experience with Township staff throughout the Land Development process.

Res. 2023-155 – Upon a motion by Mr. Baum Baicker, seconded by Mr. Francis it was agreed to approve the Preliminary/Final Land Development to Solebury School, TMP # 41-018-079, 6832 Phillips Mill Road conditioned upon the conditions set forth by the Solebury Township Planning Commission as described.

In Favor: Mark Baum Baicker, Chair, John S. Francis, Robert McEwan and Kevin Morrissey

Recused: Hanna Howe, Vice-Chair

Agreement in Lieu of Subdivision – PECO (Creamery Road, TMP # 41-013-081-001 and 41-013-081-005)

Mr. Freed gave an overview of the project and subdivision procedures.

PECO proposes to relocate lot lines to create two new lots from the existing two lots. PECO intends to maintain ownership of Lot 1 (the “Utility Parcel”) and ultimately sell Lot 2 for residential purposes.

Res. 2023-156 – Upon a motion by Ms. Howe, seconded by Mr. Francis, it was unanimously agreed to approve the agreement in lieu of subdivision application, as well as, the associated easements and other agreements conditioned upon that the final documents meet the approval of the Township Solicitor and the Township Engineer and also subject to all consultant review letters including the Township Engineer’s September 15, 2023 review memorandum.

VII. Public Hearing

Amendment to Motor Vehicles and Traffic Code Ordinance – Authorization to Adopt

Mr. Freed presented the exhibits, which included the proposed ordinance and associated postings.

Res. 2023-157 – Upon a motion Mr. Francis, seconded by Mr. Morrissey, it was unanimously agreed to adopt AN ORDINANCE (copy of which is attached) OF THE TOWNSHIP OF SOLEBURY, BUCKS COUNTY, PENNSYLVANIA TO PROVIDE FOR THE REGULATION OF UNLICENSED, UNINSPECTED AND DISMANTLED VEHICLES ON PUBLIC STREETS.

VIII. New Business

Historical Architectural Review Board – Historic Districts Guidelines

The Historical Architectural Review Board (HARB) requested approval to adopt the modified Guidelines, History and Maintenance Manual. Larry Peseski, HARB Chair presented an overview of the manual updates and acknowledged the work put in by HARB members.

The Board expressed support and acknowledged the work put into the updates.

Ms. Howe commented on the history section of the document and encouraged that language be used on how European settlers truly came to be in possession of this land.

Res. 2023-158 – Upon a motion by Mr. Baum Baicker, seconded by Ms. Howe, it was unanimously agreed to adopt the modified Guidelines, History and Maintenance Manual as presented and requested by the Historical Architectural Review Board (which can be viewed here: https://www.soleburytwp.org/sites/g/files/vyhlf1221/f/uploads/harb_guidelines_history_and_maintenance_manual_.adopted_11.21.23.pdf).

Resolution in Support of PennDOT Comprehensive Maintenance Services Agreement

Mr. Baum Baicker questioned if the agreement goes into effect immediately. Mr. Garges confirmed that the agreement goes into effect immediately.

Mr. Morrissey thanked the Township for their efforts. Mr. Garges acknowledged the offices of State Representative Tim Brennan and Senator Steve Santarsiero for organizing the meeting with PennDOT.

John DeAndrea, resident, suggested that the Township not take the burden away from PennDOT and implement it on Township staff. Mr. Garges advised that work under this agreement would be by complaint only and dialogue would take place between the Township and PennDOT prior to work being completed. The goal with the agreement is a team approach. If PennDOT's resources are focused somewhere else the Township has the ability to legally address the issue.

Kenneth Mintz, resident, questioned if compensation was a set scheduled and whether it would be enough to cover the costs associated with the work.

Res. 2023-159 – Upon a motion by Mr. Baum Baicker, seconded by Mr. Francis, it was unanimously agreed to adopt the resolution in support of the PennDOT Comprehensive Maintenance Services Agreement.

2024 Board of Supervisors Meeting Dates

The meetings are to be held on the first and third Tuesdays of each month at 6:00 pm. Only one meeting is to be held the third Tuesday in the months of June, July, and August. Only one meeting is to be held the second Tuesday in the month of December. The Reorganization meeting and the first meetings for February, March, and April are to be held at 9:30 am.

Res. 2023-160 – Upon a motion by Mr. Morrissey, seconded by Ms. Howe, it was unanimously agreed to authorize the Board of Supervisors meeting dates for 2024 as follows:

- January 2, 2024 at 9:30 AM – Reorganization**
- January 4, 2024 at 9:30 AM – Work Session – Establish Priorities (First Thursday)**
- January 16, 2024 at 6:00 PM**
- February 6, 2024 at 9:30 AM**
- February 20, 2024 at 6:00 PM**
- March 5, 2024 at 9:30 AM**
- March 19, 2024 at 6:00 PM**
- April 2, 2024 at 9:30 AM**
- April 16, 2024 at 6:00 PM**
- May 7, 2024 at 9:30 AM**
- May 21, 2024 at 6:00 PM**
- June 18, 2024 at 6:00 PM**
- July 16, 2024 at 6:00 PM**
- August 20, 2024 at 6:00 PM**

September 3, 2024 at 6:00 PM – Budget Session
September 17, 2024 at 6:00 PM
October 1, 2024 at 6:00 PM – Budget Session
October 15, 2024 at 6:00 PM
November 7, 2024 at 6:00 PM – Budget Session (Thursday due to Election Day)
November 19, 2024 at 6:00 PM
December 10, 2024 at 6:00 PM (2nd Tuesday of the month)

Appointment of Chief of Police Selection Process Consultant

Res. 2023-161 – Upon a motion by Mr. Baum Baicker, seconded by Mr. Francis, it was unanimously agreed to appoint the Pennsylvania Chiefs of Police Association as the consultant for the Chief of Police Selection Process.

Berlinger Zoning Hearing Board Application – Authorize Solicitor to Attend

The applicants, Bernard and Valerie Berlinger (6063 Saw Mill Road, TMP # 41-001-026 and 41-001-070) are requesting a variance from Section 27-202 (i), Section 27-202 (ii), Section 27-202 (iii) and Section 27-604.1.B (2)(i) in connection with the proposed use of a second accessory dwelling with driveway improvements.

Res. 2023-162 – Upon a motion by Mr. Baum Baicker, seconded by Mr. Francis, it was unanimously agreed to authorize the Township Solicitor to communicate with the Zoning Hearing Board to represent the interest of the Board of Supervisors in this matter.

SPCA Zoning Hearing Board Application – Authorize Solicitor to Attend

This topic was eliminated as no action was needed.

Fetterolf Zoning Hearing Board Application – Authorize Solicitor to Attend

The applicant, Barry Fetterolf (3112 Creamery Road, TMP # 41-013-040-001) is requesting that the condition set in the August 9, 2023 Zoning Hearing Board decision be modified to allow the accessory dwelling to be rented should the need arise.

Res. 2023-163 – Upon a motion by Mr. Baum Baicker, seconded by Mr. Francis, it was unanimously agreed to authorize the Township Solicitor to communicate with the Zoning Hearing Board to represent the interest of the Board of Supervisors in this matter.

IX. Public Comment

Kenneth Mintz, resident, commented on the noise associated with pickleball. Mr. Mintz requested that the Township close the Township owned pickleball court and issue a one (1) year moratorium in the Township regarding pickleball courts.

X. Adjournment

The meeting was adjourned at 7:46 pm.

Respectfully submitted,
Catherine Cataldi, Secretary

ORDINANCE NO. 2023-004

**AN ORDINANCE OF THE TOWNSHIP OF SOLEBURY,
BUCKS COUNTY, PENNSYLVANIA TO PROVIDE FOR
THE REGULATION OF UNLICENSED, UNINSPECTED
AND DISMANTLED VEHICLES ON PUBLIC STREETS**

WHEREAS, the Act of June 17, 1976 (P.L. 162 No. 81), as amended, known as the "Vehicle Code", authorizes local authorities to exercise the powers granted therein by duly enacted ordinances of their governing bodies;

WHEREAS, Section 1527 of the Pennsylvania Second Class Township Code provides that the corporate powers of the Board of Supervisors includes the ability to secure the safety of persons or property within the Township (53 P.S. § 66527);

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 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, Section 2328 of the Second Class Township Code provides that the Board of Supervisors may adopt Ordinances that regulate parking and impose penalties for the violation of those regulations (53 P.S. § 67328);

WHEREAS, the Board of Supervisors finds it to be in the best interests of the health, safety and general welfare of the Township to amend Chapter 15 of the Solebury Township Code of Ordinances to regulate unlicensed, uninspected and dismantled vehicles on public streets;

WHEREAS, the proposed amendments have been advertised, considered, and reviewed in accordance with Pennsylvania law;

NOW THEREFORE, in consideration of the foregoing, be it **ENACTED** and **ORDAINED** by the Board of Supervisors of Solebury Township, Bucks County, Pennsylvania, that Chapter 15 of the Solebury Township Code of Ordinances is **AMENDED** as follows:

I. ADD new Part 13, titled UNLICENSED, UNINSPECTED AND DISMANTLED VEHICLES, as follows:

§ 15-1301 Parking and Storage of Unlicensed and Uninspected Vehicles on Streets Restricted.

It shall be unlawful for any owner of any type of motor vehicle requiring a registration plate and a state inspection sticker under the applicable provisions of the Vehicle Code,^[1] to park or store or permit the same to be parked or stored on any public street within the limits of the Township for a period in excess of 48 hours if said motor vehicle does not have attached to it a current valid registration plate and a current valid State inspection

sticker required under the applicable provisions of the Vehicle Code.

[1] Editor's Note: Title 75 of the Pennsylvania Consolidated Statutes, as hereafter amended, supplemented, modified or reenacted.

by the General Assembly of Pennsylvania.

§ 15-1302 Dismantled Vehicles Not to be Stored or Parked on Streets.

It shall be unlawful for any owner of any motor vehicle requiring a registration plate and a state inspection sticker under the applicable provisions of the aforesaid Vehicle Code to park or store or to permit to be parked or stored any such motor vehicle on any street or alley within the Township when such motor vehicle is to any extent partially dismantled and inoperable.

§ 15-1303 Removal of Vehicle.

1. Any police officer may remove or cause to be removed to a nearby garage or other place of safety a vehicle in violation of any provision of this Part. Prior to removal of such vehicle bearing a registration plate by which the last registered owner of the vehicle can be determined, notice shall be sent by certified mail to the last registered owner of the vehicle informing him that unless the vehicle is moved to a suitable location within five days of the date the notice is mailed, the vehicle will be removed and held at a suitable facility where it may be reclaimed. If the vehicle does not bear an identifiable registration plate, the notice may be secured to the vehicle.
2. Within the five-day period, the owner shall be given, if requested, an opportunity to explain to police officers or the department why the owner believes the vehicle should not be removed. If the police officers or department decide that the vehicle shall be moved, the owner shall be given an additional 48 hours to move the vehicle or have it moved.

§ 15-1304 Reclamation Costs.

In order to reclaim his vehicle, the owner shall pay towing and storage costs, plus a \$25 fee of which \$10 shall be transferred to the Pennsylvania Department of Transportation by the garage to which the vehicle was taken.

§ 15-1305 Penalty.

Any person who shall violate any provision of this Part shall, upon conviction thereof, be sentenced to pay a fine of \$50, together with all costs of disposing of the vehicle under provisions of the Vehicle Code, 75 P.S. §§ 7301-7312 (1977), as hereafter amended, supplemented, modified or reenacted by the General Assembly of Pennsylvania.

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 the Ordinance 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.

ORDAINED AND ENACTED this 21st day of November, 2023.

BOARD OF SUPERVISORS OF SOLEBURY
TOWNSHIP, BUCKS COUNTY,
PENNSYLVANIA



Mark Baum Baicker, Chair

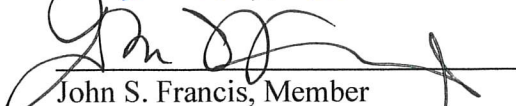


Hanna Howe, Vice Chair

Robert McEwan, Member



Kevin Morrissey, Member



John S. Francis, Member

Attest:



Catherine Cataldi, Township Secretary