

SOLEBURY TOWNSHIP BOARD OF SUPERVISORS

December 8, 2020 – 6:00 P.M.

VIRTUAL BUDGET MEETING

MEETING MINUTES

The December 8, 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, Michele Blood, Assistant Manager, and Catherine Cataldi, Secretary. Mark L. Freed, Township Solicitor was also in attendance.

Zoom recording device was turned on.

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

II. Approval of Bills Payable – November 25, 2020

Res. 2020-164 – Upon a motion by Mr. Morrissey, seconded by Mr. McEwan, the list of Bills Payable dated November 25, 2020 was unanimously approved as prepared and posted.

III. Approval of Minutes – November 17, 2020

Res. 2020-165 – Upon a motion by Mr. Barrett, seconded by Mr. Morrissey, the Minutes of the November 17, 2020 Virtual Meeting were unanimously approved as prepared and posted.

IV. Announcements/Resignations/Appointments

- Appointment of Chief Administrative Officer for Township Pension Plans
Each Municipality is requested to formally designate a Chief Administrative Officer for the Township’s Pension Plans. This individual should be bonded in an amount sufficient to handle current and anticipated amounts involved with both pensions.

Res.2020-166 – Upon a motion by Mr. Baum Baicker, seconded by Mr. Francis, it was unanimously agreed to designate Michele Blood as the Township’s Chief Administrative Officer as it relates to the Township’s Pension Plan.

V. Supervisors Comment – No Supervisor Comment

VI. Public Comment

- Marcos Elizondo, Solebury Baseball & Softball Association - Under 15 Softball Division Commissioner, presented a Solebury Baseball & Softball Association Dugout Project request PowerPoint presentation (copy of which is attached).

VII. Budget

2021 Budget – Authorization to Adopt

Res. 2020-167 – Upon a motion by Mr. Barrett, seconded by Mr. Morrissey, it was unanimously agreed to adopt the 2020 Budget as advertised.

Tax Levy Resolution

The resolution is required to set the 2021 Tax in accordance with the adopted 2021 Budget.

Res. 2020-168 – Upon a motion by Mr. Baum Baicker, seconded by Mr. Barrett, it was unanimously agreed to adopt a Resolution of the Board of Supervisors of Solebury Township, Bucks County, Pennsylvania, fixing the Tax Levy Rates for the Year 2020 as follows: General Fund Tax 8.099 mils; Fire Tax Fund 1.75 mils; Library Fund Tax .491 mils; Debt Service Fund Tax 13.53 mils; and EMS Fund Tax .9402 mils, for a total of 24.8102 mils.

VIII. New Business

2020 Budget Amendment # 2

In accordance with the Second-Class Township Code, Section 3202(f), Township Administration recommended that the Board approve the proposed budget amendment as detailed below:

- Increase Land Preservation Appraisal Services by five thousand dollars (\$5,000) which decreases the Land Preservation Reserve Balance by the same amount.
- Increase Land Preservation Professional Services by fifty thousand dollars (\$50,000) which decreases the Land Preservation Reserve Balance by the same amount.
- Increase Land Preservation Engineering Services by fifteen thousand dollars (\$15,000) which decreases the Land Preservation Reserve Balance by the same amount
- Increase Land Preservation General Legal by thirty-five thousand dollars (\$35,000) which decreases the Land Preservation Reserve Balance by the same amount.

These increases are due to the higher than anticipated number of easements completed in 2020, and the related professional services required for those acquisitions.

Res. 2020-169 – Upon a motion by Mr. McEwan, seconded by Mr. Francis, it was unanimously agreed to approve the 2020 Budget Amendment # 2 as documented.

Resolution Approval – Act 537 Sewage Treatment Facility Planning Module Component #4A – Solebury School (6832 Phillips Mill Rd, TMP #'s 41-018-079, 41-028-008 & 41-028-007)

Copy of resolution is attached.

Res. 2020-170 – Upon a motion by Mr. Baum Baicker, seconded by Mr. Barrett, it was unanimously agreed to adopt the resolution approving the Act 537 Sewage Treatment Facility Planning Module and authorizing administration to complete and execute Component #4A – Solebury School (6832 Phillips Mill Rd, TMP #'s 41-018-079, 41-028-008 & 41-028-007).

Resolution Consenting to Amending and Restating Conservation Easement – David and Sandy Marshall (TMP Nos. 41-013-085 and 41-013-086)

The proposed resolution (copy of which is attached) consents to amending and restating conservation easement on 103 acres comprising Tax Map Parcel 41-013-085 and 41-013-086 in Solebury Township.

Res.2020-171 – Upon a motion by Mr. Baum Baicker, seconded by Mr. McEwan, it was unanimously agreed to adopt the resolution consenting to amending and restating conservation easement on 103 acres comprising Tax Map Parcel 41-013-085 and 41-013-086 in Solebury Township.

Pennsylvania Emergency Management Agency Designation of Agent Resolution

The proposed resolution (copy of which is attached) designates Jean Weiss, as the agent authorized to execute for and in behalf of Solebury Township regarding the Federal Emergency Management Agency (FEMA) Application for Colleen Lyons, 6669 Fleecydale Road, TMP # 41-005-006.

Res.2020-172 – Upon a motion by Mr. Barrett, seconded by Mr. Morrissey, it was unanimously agreed to adopt the resolution designating Jean Weiss as the agent authorized to execute for and in behalf of Solebury Township regarding the FEMA Application for Colleen Lyons, 6669 Fleecydale Road, TMP # 41-005-006.

Zoning Hearing Board Application

The applicant, Carversville Inn Land, Co., 6205 Fleecydale Road, TMP No. 41-004-010, is requesting: a special exception pursuant to Section 27-2510.3.c. to permit the conversion of nonconforming uses to another nonconforming use; a variance from Section 27-2301.E(14) to be relieved from the obligation to provide 44 off-street parking spaces for the proposed Hotel, Motel, Or Inn/Large use; If the Zoning Hearing Board concludes that there is insufficient hardship to justify a variance from Section 27-2301.E(14), applicant applies in the alternative for a variance from Section 27-2302.6 to authorize 33 off-street parking spaces on a property not owned by the applicant; a variance from Section 27-2109 to authorize constructing a building addition on lands that qualify as flood plain; a variance from Section 27-2205.5.E(1) to authorize constructing a building addition on lands located within the Riparian Corridor Conservation District; variance from Section 27-2206.6 to authorize disturbing flood plain lands; a variance from Section 27-2208.E to authorize the building expansion on lands located within the Riparian Corridor Conservation District; a variance from Section 27-2305 to authorize the redevelopment of the Carversville Inn property without a dedicated area for loading and unloading; and a change in non-conforming use from the present use of non-conforming restaurant and non-conforming apartments to the proposed change of a hotel, motel, or inn use.

Res. 2020-173 – Upon a motion by Mr. Baum Baicker, seconded by Mr. Barrett, it was unanimously agreed to authorize the Township Solicitor to attend any and all Zoning Hearing Board hearings pertaining to this matter to represent the interest of Solebury Township.

IX. Public Comment – No Public Comment

X. Adjournment

The meeting was adjourned at 6:34 p.m.

Respectfully submitted,
Catherine Cataldi
Secretary



DEP Code No.

**RESOLUTION FOR PLAN REVISION
FOR NEW LAND DEVELOPMENT**

0.397

RESOLUTION OF THE (SUPERVISORS) (~~COMMISSIONERS~~) (~~COUNCILMEN~~) of SOLEBURY
(TOWNSHIP) (~~BOROUGH~~) (~~CITY~~), BUCKS COUNTY, PENNSYLVANIA (hereinafter "the municipality").

WHEREAS Section 5 of the Act of January 24, 1966, P.L. 1535, No. 537, known as the *Pennsylvania Sewage Facilities Act*, as Amended, and the rules and Regulations of the Pennsylvania Department of Environmental Protection (DEP) adopted thereunder, Chapter 71 of Title 25 of the Pennsylvania Code, require the municipality to adopt an Official Sewage Facilities Plan providing for sewage services adequate to prevent contamination of waters of the Commonwealth and/or environmental health hazards from sewage wastes, and to revise said plan whenever it is necessary to determine whether a proposed method of sewage disposal for a new land development conforms to a comprehensive program of pollution control and water quality management, and

WHEREAS Solebury School has proposed the development of a parcel of land identified as
land developer
Wastewater Treatment Facility/Disposal System, and described in the attached Sewage Facilities Planning Module, and
name of subdivision

proposes that such subdivision be served by: (check all that apply), sewer tap-ins, sewer extension, new treatment facility, individual onlot systems, community onlot systems, spray irrigation, retaining tanks, other, (please specify) _____

WHEREAS, Solebury Township finds that the subdivision described in the attached
municipality
Sewage Facilities Planning Module conforms to applicable sewage related zoning and other sewage related municipal ordinances and plans, and to a comprehensive program of pollution control and water quality management.

NOW, THEREFORE, BE IT RESOLVED that the (Supervisors) (~~Commissioners~~) (~~Councilmen~~) of the (Township) (~~Borough~~) (~~City~~) of Solebury Township hereby adopt and submit to DEP for its approval as a revision to the "Official Sewage Facilities Plan" of the municipality the above referenced Sewage Facilities Planning Module which is attached hereto.

, Secretary, Solebury
(Signature)

Township Board of Supervisors (~~Borough Council~~) (~~City Councilmen~~), hereby certify that the foregoing is a true copy of the Township (Borough) (City) Resolution # 2020-170, adopted, December 8, 2020.

Municipal Address:
3092 Sugan Road
PO Box 139
Solebury Township, PA 18963
Telephone 215-297-5656

Seal of
Governing Body

0399

RESOLUTION NO. 2020-171

**RESOLUTION OF THE BOARD OF SUPERVISORS OF SOLEBURY TOWNSHIP
CONSENTING TO AMENDING AND RESTATING CONSERVATION EASEMENT
ON 103 ACRES COMPRISING TAX MAP PARCEL NOS 41-013-085 AND 41-013-
086 IN SOLEBURY TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA**

BACKGROUND

- A. On or about September 9, 1989 David Marshall and Sandy Marshall ("Owners") granted and conveyed to Natural Lands Trust, Incorporated ("Natural Lands") and The Aquetong Valley Association ("AVA") (collectively "Grantees") a Conservation Easement and Declaration of Restrictive Covenants ("Conservation Easement") on approximately 103 acres of land owned by them located on Meetinghouse Road in Solebury Township, Bucks County, Pennsylvania and identified as Parcel Identifier Nos. 41-013-085 and 41-013-086 (the "Property"). The Conservation Easement is recorded in the office of the Recorder of Deeds in Deed Book 0386 at page 0967, et sec.
- B. Owners donated the Conservation Easement and received no compensation for preserving the Property.
- C. Owners took no tax deduction for the donation of the Conservation Easement in 1989 when it was conveyed to Natural Lands Trust.
- D. Owners agree they will not claim a tax deduction for the donation of an Amended and Restated Conservation Easement to any of the Grantees or Solebury Township ("Township").
- E. The Conservation Easement grants Township the right to enforce the terms of the Easement in the event Grantee fails to do so. In addition, the Conservation Easement prohibits extinguishment of the Conservation Easement without the consent of Township.
- F. At the time the Conservation Easement was recorded, three (3) existing residences existed on the Property which still exist on the Property today (the "Existing Residences").

0470

- G. Owners desire to amend and restate the Conservation Easement to accomplish the following:
 - a. To subdivide the Property to create two lots—one containing the existing farm house and related accessory structures on approximately 93 acres and the second containing the two other Existing Residences and related accessory structures on approximately 10 acres. A sketch plan of the proposed subdivision, prepared by Gilmore Associates, Inc., and dated September 10, 2020 is attached hereto as Exhibit “A” and incorporated herein by reference (the “Sketch Plan”).
 - b. To replace the Conservation Easement with an Amended and Restated Conservation Easement containing covenants, conditions and restrictions reflecting the advances made in the drafting of conservation easement provisions since the Easement was recorded and in the format approved by the Pennsylvania Land Trust Alliance (the “PALTA Format”) which is the recognized professional body of land trusts in Pennsylvania.
- H. The Solebury Township Board of Supervisors (“Board”) recognizes that there are ambiguities and other deficiencies contained within the Conservation Easement and that it would add substantial conservation value if the Easement were to be amended and restated to incorporate terms and conditions contained in the PALTA Format and conditions required by this Resolution.
- I. Natural Lands has determined there will be substantial conservation value in an amended and restated conservation easement incorporating provisions of the PALTA Format and has approved moving forward with preparing an Amended and Restated Conservation Easement subject to certain conditions stated in a letter from Natural Lands to Owners dated December 4, 2018, a copy of which is attached hereto as Exhibit “B” and incorporated herein by reference (the “Natural Lands Approval”).

0401

- J. The AVA by letter dated September 4, 2019 (the "AVA Letter") indicated its support for Owners' request to amend the Conservation Easement. A copy of the AVA Letter is attached hereto as Exhibit "C" and incorporated herein by reference.
- K. The Board in considering whether to consent to amending and restating the Conservation Easement is doing so because all of the following conditions exist:
- a. The existing conservation easement is ambiguous and deficient in terms of the protections provided in the PALTA Format Conservation Easement.
 - b. Owners donated the Conservation Easement for which they received no compensation in any form.
 - c. Subdivision will permit separate ownership of existing residences. No new building lots will be created.
 - d. No variance or other zoning or subdivision relief is required to subdivide the Property.
 - e. Additional Conservation Value will be created by implementing conditions contained in the Natural Lands Approval.
 - f. All of the Grantees—Natural Lands and AVA-- consent to amending and restating the Conservation Easement.
 - g. Owners took no tax deduction for the donation of the Conservation Easement in 1989 when it was conveyed to Natural Lands Trust.
 - h. Owners agree they will not claim a tax deduction for the donation of an Amended and Restated Conservation Easement to the Grantees or Township.
 - i. Solebury Township will be made a Grantee of the Conservation Easement at no cost to the Township.
- L. Subject to the conditions stated herein the Board is willing to consent to the recording of an Amended and Restated Conservation Easement to replace the existing Conservation Easement.

0402

NOW THEREFORE, BE IT RESOLVED AND ENACTED by the Board of Supervisors of Solebury Township, as follows:

1. The Amended and Restated Conservation Easement shall be subject to the approval of the Board. It shall utilize the PALTA Format and, in addition, shall contain the provisions hereafter stated. The area and dimensions of the Minimal Protection Areas on each of the proposed lots shall be subject to Township approval.
2. Solebury Township will be made a Grantee of the Conservation Easement at no cost to the Township.
3. Prior to execution of the Amended and Restated Conservation Easement, Owners shall provide evidence satisfactory to the Board of Supervisors that they took no tax deduction for the donation of the Conservation Easement in 1989 when it was conveyed to Natural Lands Trust.
4. Owners shall agree that they will not claim a tax deduction for the donation of an Amended and Restated Conservation Easement to the Grantees of such an Easement.
5. The permitted subdivision of the Property shall be in substantial conformance with the Sketch Plan and shall conform to the Solebury Township Zoning and Subdivision and Land Development Ordinances without the need for any variances or waivers.
6. No additional or further subdivision of the Property is permitted and the creation of a condominium on all or any part of the Property is prohibited.
7. Exploration for or development of natural gas, oil or other deposits shall be prohibited as well as use of the Property for a pump station or the disposal of waste products from oil and gas development.
8. Solebury Township shall be a co-holder of the Amended and Restated Conservation Easement.
9. The approval of an Amended and Restated Conservation Easement permitting the property to be subdivided into two (2) lots containing only existing

0403

residences is permitted because of the unique facts stated in this Resolution and shall not be considered a precedent for permitting amending any other Conservation Easements on properties in Solebury Township or the subdivision of any such properties.

- 10. Furthermore, although not to be incorporated into the Amended and Restated Conservation Easement, prior to the recording of the subdivision plan permitted by the Easement, Owners shall pay all attorneys' fees and costs incurred by Township in considering the request for consent to amend the Conservation Easement, the review and approval of the Amended and Restated Conservation Easement and in the review of the permitted subdivision.

THIS RESOLUTION has been duly adopted by the Board of Supervisors of Solebury Township at a public meeting held this 8th day of December, 2020.

ATTEST:


 Catherine Cataldi, Secretary


**BOARD OF SUPERVISORS
SOLEBURY TOWNSHIP**


 Mark Baum Baicker, Chair


 Kevin Morrissey, Vice Chair


 Noel Barrett, Member


 John S. Francis, Member


 Robert A. McEwan, Member

U:\TWC Clients\SOLEBURYLAND PRESERVATION\Marshall-AVA Easement\2020 Proposal\Resolution Consenting to Amed and re-stated CE clean 11.23.20.docx

- Exhibit A Gilmore Sketch Plan dated 9/10/20
- Exhibit B Letter from Natural Lands to Owners dated December 4, 2018
- Exhibit C AVA Letter dated September 4, 2019

DESIGNATION OF AGENT

RESOLUTION

7475

BE IT RESOLVED Board of Supervisors OF Solebury Township
(Governing Body) (Public Entity)
THAT Jean Weiss, Administrative Assistant
(Name) (Title)

is hereby authorized to execute for and in behalf of

Solebury Township, Bucks County

a public entity established under the laws of the Commonwealth of Pennsylvania, all required forms and documents for the purpose of obtaining financial assistance for the Hazard Mitigation Grant Program (HMGP) or the Pre-Disaster Mitigation (PDM) program under the Robert T. Stafford Disaster Relief and Emergency Assistance Act (Public Law 93-288 as amended by Public Law 100-707) or the Flood Mitigation Assistance (FMA) program, Repetitive Flood Claims (RFC) program or Severe Repetitive Loss (SRL) program under the National Flood Insurance Act of 1968 (42 U.S.C. 4001 et seq), National Flood Insurance Reform Act of 1994 (Public Law 103-325) and the Flood Insurance Reform Act of 2004 (Public Law 108-264), as pertains to federal mitigation grant programs indicated below (check all that apply):

- HMGP PDM FMA RFC SRL

Passed and approved this 8th day of December, 2020.

CERTIFICATION

I, Catherine Cataldi, duly appointed and Secretary / Administrative Assistant
(Name) (Title)

of Solebury Township, do hereby certify that the above is a true and correct copy of
(Public Entity)

a resolution passed and approved by the Board of Supervisors
(Governing Body)

of Solebury Township on the 8th day of December 2020

Catherine Cataldi Secretary 12/8/2020
(Signature) (Official Position) (Date)

0407

RESOLUTION NO 2020 – 168
A RESOLUTION OF THE BOARD OF SUPERVISORS OF SOLEBURY TOWNSHIP, BUCKS COUNTY,
PENNSYLVANIA, FIXING THE TAX LEVY RATES FOR THE YEAR 2021

Res. 2020-168 – Upon a motion by Mr. Baum Baicker, seconded by Mr. Barrett, it was unanimously agreed to set the 2021 tax levy as follows: General Fund Tax 8.099 mils; Fire Fund Tax 1.75 mils; Library Fund Tax .491; Debt Service Fund Tax 13.53 mils; and EMS Fund Tax .9402 mils, for a total of 24.8102 mils.

Voting in Favor: Mr. Baum Baicker, Mr. Morrissey, Mr. Barrett, Mr. McEwan, and Mr. Francis

Absent:

Opposed:

Abstaining:

December 8, 2020



Catherine Cataldi

Secretary