

**SOLEBURY TOWNSHIP BOARD OF SUPERVISORS**

December 12, 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 Blood, Finance Director / Treasurer, and Catherine Cataldi, Administrative Assistant. Jordan B. Yeager, Solicitor and C. Robert Wynn 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 – November 30, 2017**

**Res. 2017-169 – Upon a motion by Mr. Baum Baicker, seconded by Ms. Tai, the list of Bills Payable dated November 30, 2017 was unanimously approved as prepared and posted.**

**III. Approval of Minutes – November 21, 2017 Regular Meeting**

**Res. 2017-170 – Upon a motion by Ms. Tai, seconded by Mr. Cosdon, the Minutes of the November 21, 2017 meeting were unanimously approved.**

**IV. Announcements/Resignations/Appointments**

- The Board announced an executive session on December 12, 2017, dealing with land preservation, personnel and committee interviews.

**V. Supervisors Comment**

- Mr. Morrissey announced a change to the order of the agenda. The Aquetong Spring Committee and Ash Tree presentations were moved to the end of the agenda as requested by the Environmental Advisory Committee. The 2017 Year in Review and Accomplishments was also moved to the end of the agenda.
- Mr. Morrissey congratulated the coaches, Ed McDonnell and Alison Dudick, and the 5<sup>th</sup> grade girl's travel basketball team for winning the ICBA King of the Court Championship.
- Mr. Morrissey presented Mr. Cosdon with a plaque thanking him for his service on the Board of Supervisors. Mr. Cosdon thanked the residents who gave their confidence to him to serve Solebury. He also thanked the members of the administration for their help and guidance that he required during his 6-year term. Mr. Cosdon thanked Mr. Carney for teaching him the pace of government and how it works on its own schedule. Ms. Tai wished Mr. Cosdon well on his retirement and thanked him for his six years of service. Mr. Baum Baicker thanked Mr. Cosdon for his service as a Supervisor.

## **VI. Public Comment**

- Jim Searing congratulated Mr. Cosdon on his six years of service as a Supervisor, his service as a liaison, four years of service on the Planning Commission, time on Youth Aid Panel, and his time as a constable. Mr. Searing shared many of Mr. Cosdon's accomplishments and goals during his years of service, and thanked Mr. Cosdon for his guidance.
- Brian Kelner thanked Solebury Township for actions taken to help with the traffic on Creamery Road. He stated that the flashing speed limit sign has helped deter some of the speeding. Mr. Kelner inquired about how the new speed limit of 25 mph will be enforced and monitored. Mr. Cosdon advised that a Bill has been approved by the Senate to allow local police to use radar. This Bill is now at the House of Representatives. Mr. Cosdon urged residents to contact their local Representative to inform him/her of being in favor of this Bill.
- Sally Drayer thanked Mr. Carney and Solebury Police for helping with safety on Creamery Road. Ms. Drayer addressed her concern regarding motorists not yielding at the bridges on Creamery Road. She asked if yield signs could be installed. Another concern Ms. Drayer addressed was motorists driving in the middle of Creamery Road forcing other motorists off the side of the road. Mr. Morrissey and Mr. Carney agreed to meet next week to discuss these issues.

## **VII. Public Hearing – No public hearing took place**

## **VIII. Old Business – No old business**

## **IX. New Business**

### 2017 Year in Review and Accomplishments

Mr. Morrissey recounted how the Supervisors, including Jim Searing, were busy with a variety of projects and proposals, as well as being involved with the operation of the Township. Mr. Morrissey offered his gratitude to all those who contributed to another strong year of achievements, including the committee and board members, Park & Rec, other volunteers, Township Administration, police, numerous contractors and consultants, as well the coordinator Township Manager, Dennis Carney.

### Major accomplishments for 2017:

- Realignment of Permit Fees - Updated building permits fees to lessen charges relating to homeowner maintenance projects.
- Ordinance Codes Automation - Implemented the online system to enable residents to review Township Ordinances through the use of the internet.
- Bond Offering – The Township initiated a General Obligation Bond Sale to refinance a Township bank loan. The result was a savings in excess of \$214,000.
- Land Preservation - Acquired an additional 34 acres of preserved space.
- Laurel Park Multipurpose Field – Authorized and completed construction of a new practice playing field for use by Township sports organizations. The Township is grateful for the very generous donations by John Feehan, Kathy Feehan and Ed McGahan toward the development of this field.
- Repair/Replacement In Kind (RRIK) HARB process revision – Implementation of a new program that will enable residents in historic districts to process an application to implement a change to their property in a more timely manner.

- 24hr. Emergency Care Service - Through an approved referendum, the ambulance service will provide 12 additional hours of emergency care to the community, by the enactment of a REtax millage increase of approximately \$35 per household.
- Mini Casino Ordinance – Authorized an ordinance making it unlawful to install a “Mini-Casino” in the Township.
- Volunteer Firefighter Reimbursement Authorization - As a sign of appreciation, the Township agreed to donate \$200 for each resident fire fighter that volunteers for the three fire companies that service Solebury Township: New Hope Eagle, Midway and Point Pleasant Fire Companies.
- Farm Committee Strategic Plan Authorization – The Board of Supervisors reviewed and endorsed the long-term action of the Farm Committee to support farming in the Township.
- Aquetong Spring Park 2018 Opening - Developed and endorsed the plan to open Aquetong Spring Park by mid-year 2018.
- NHCS Quarry - The Township, as an intervenor, prevailed in the quarry’s appeal to Environmental Hearing Board. This has maintained the target end quarry reclamation date of mid-2019.
- Shared Services Initiative - Initiated discussions with New Hope concerning the expense associated with shared services.
- Fracking Study and Resolution - A resolution calling upon the Delaware River Basin Commission to enact a ban on natural gas development, hydraulic fracturing, and related activities throughout the Delaware River Basin.
- River Road Trail Completion – Trail was completed in 2017 which now provides additional walking trails. This trail connects to an existing trail from Magill’s Hill Park to Eagle Fire house.
- Police Facility Renovations Bid Authorization – Authorized the start of upgrades to the Police facility.
- Salt Building Completion – As part of the municipal garage upgrade, a salt building was completed to provide salt storage during the winter.
- Audio Recording of Meetings - In an effort to increase transparency, all public Board of Supervisors meetings will be recorded and made available to the public.
- Gerrymandering Resolution – Endorsed a resolution to communicate to the State Government that the 2020 realignment of voting districts should encompass the resolution of the PA Gerrymandering issue.
- Deer Management – The Township is continuing to make good progress in responsibly managing deer overpopulation in a cost-effective manner by working with state officials, the PA Game Commission, landowners and hunters.
- Recycling Expansion - Reestablished and reinvigorated recycling at schools and Township parks.
- Herbicide Reduction-Ongoing efforts to reduce the use of harmful herbicides by both the Township and other entities like PECO
- Addressing PennEast Pipe Issue-Intervene to Federal Energy Regulatory Commission in opposition to the PennEast Pipeline. Additionally, educated public on concerns with PennEast Pipeline’s proposed route through Solebury.

Mr. Cosdon noted the tremendous contribution that Mr. Searing made in 2017.

Mr. Cosdon recognized the resignation of Gretchen Rice.

2018 Budget – Authorization to Adopt

Mr. Morrissey noted that the budget represents about a 5 % decrease in overall expenses for 2018. The proposed 2018 Budget had been advertised as required.

**Res. 2017-171 – Upon a motion by Mr. Cosdon, seconded by Ms. Tai, it was unanimously agreed to adopt the 2018 Budget as advertised.**

Tax Levy Resolution

The resolution is required to set the 2018 Tax in accordance with the adopted 2018 Budget.

**Res. 2017-172 – Upon a motion by Ms. Tai, seconded by Mr. Cosdon, 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 2018 as follows: General Fund Tax 7.215 mils; Fire Tax Fund 1.75 mils; Library Fund Tax .4048 mils; Debt Service Fund Tax 12.5303 mils; and EMS Fund Tax .9599 mils, for a total of 22.86 mils.**

Award Bid – Police Renovations

Solebury Township budgeted \$400,000 for the police renovations, \$65,000 for the vestibule and \$35,000 as a contingency. The total budget was \$500,000 for this project. Solebury received several bids, but the lowest qualified bid came in over budget. The total bid came to \$522,975, without a contingency.

Mr. Baum Baicker questioned how the budget was determined and why the bids came in so high. Mr. Baum Baicker expressed concern with moving forward without a reserve.

Mr. Carney advised that the budget difference is a combination of the passage of time from the estimate; the estimate was too conservative; and the bidding process. Mr. Carney informed the Board that they did not have to approve the bid recommendation.

Ms. Tai expressed concern as to why the budget came in high when Phillips Donovan knew Solebury Township's budget. Ms. Tai questioned how the excess costs would be paid. Mr. Carney stated the excess costs would come from the Capital Reserve Fund.

Alternatives were discussed, including postponing the vestibule repair to 2019. The Board decided against this due to the damage of the vestibule, and this would not solve the problem with the budget.

After much discussion, the Board agreed to accept the low bid. The Board also agreed to re-evaluate the process for estimating costs of construction projects and setting budgets in the future.

Joe Budalis, contractor, commented that if the project goes out for rebid all the bids will come in lower because the prices of current bid are known.

Jim Searing expressed concern for postponing the vestibule a year due to the mold and rust issue.

**Res. 2017-173 – Upon a motion by Mr. Cosdon, seconded by Mr. Morrissey, it was unanimously agreed to award the Bid as follows:**

- **General Contractor – Walter Brucker Co., Inc.**
  - **Including Alternate # 1 (New Vestibule) and # 4 (Loose Fill Insulation)**
- **Mechanical Contractor – M.J. McShea Mechanical**
- **Electrical Construction – MJF Electrical Contracting, Inc.**
  - **Including Alternate # 1 (New Vestibule)**
- **Plumbing Construction – Chris Wolff Plumbing, Inc.**

Manager Contract

Annually the Board agrees to authorize the Chair and Vice-Chair to execute the Manager Contract.

**Res. 2017-174 – Upon a motion by Mr. Cosdon, seconded by Mr. Baum Baicker, it was unanimously agreed to authorize the Chair and Vice-Chair to execute the Manager Contract.**

Mini Casinos – Resolution to Prohibit

The proposed resolution prohibits the location of a Category 4 Licensed Facility within the Township.

Mr. Cosdon inquired if Solebury Township needs this resolution since it is located within 25 miles from Parx Casino. Mr. Yeager stated that the 25 mile radius precludes other casino operators from intruding on Parx, but allows Parx to still operate.

Mr. Cosdon inquired if this resolution has any effect on the portion of the State Bill for pull tabs and video poker. Mr. Yeager stated this resolution would not; it only involves Class 4 Facilities.

Ed Leydon, resident, agreed that Solebury Township does not need slot machines.

**Res. 2017-175 – Upon a motion by Ms. Tai, seconded by Mr. Baum Baicker, it was unanimously agreed to adopt a Resolution of the Board of Supervisors of Solebury Township, Bucks County, Pennsylvania, to prohibit the location of a category 4 licensed facility within the Township pursuant to act 42 of 2017, 4 PA C.S. § 1305.1 (A.1) (1).**

Resolution Concerning Fracking

Mr. Morrissey opened the session to Mr. Baum Baicker.

Mr. Baum Baicker commented the following:

One of our shared values in this community is the protection of the environment, and one of the threats to that environment is the direct and indirect impacts of shale gas development and hydraulic fracturing known as fracking. The Delaware River Basin Commission currently has in-place, a moratorium on natural gas development, drilling and fracking but wastewater processing and discharges are not outside of a proposed ban.

WHEREAS, the Delaware River Basin Commission is actively considering draft regulations that include the possibility of “prohibitions related to the production of natural gas utilizing horizontal drilling and hydraulic fracturing within the Basin”, but also the allowance for “...storage, treatment, disposal and/or discharge of wastewater within the basin associated with horizontal drilling and hydraulic fracturing for the production of natural gas where permitted” and “...the inter-basin transfer of water and wastewater for purposes of natural gas development where permitted.”

The Township calls upon the Delaware River Basin Commission to enact a complete and permanent ban on natural gas development and hydraulic fracturing and all related activities (including drilling, fracking, wastewater processing and discharges from and water withdrawals for drilling and fracking operations) throughout the Basin.

Ms. Tai stated an analogy: banning fracking but allowing the transfer of wastewater is like banning smoking but allowing the smoke to be blown into the room. Ms. Tai announced her support and hopes it helps the Delaware River Basin Commission to ban all aspects of Fracking.

Mr. Cosdon applauded Mr. Baum Baicker for his efforts in bringing this resolution to the Board.

Barbara Zietchick, resident, asked if Solebury Township has the authority to ban fracking and mining on private property. Mr. Yeager informed Ms. Zietchick that under the Municipality Planning Code the Township can zone for fracking like it can zone for other uses. The Board had retained a former state Geologist, who reviewed the Geology of Solebury Township and determined there are no mineable reserves so there is not a significant risk of fracking in the Township.

Ms. Zietchick asked if Tinicum is a part of Solebury Township because there has been gas exploration there. Mr. Yeager replied that Tinicum is not part of the Township, but the gas explorations have been done at Noxamixon not Tinicum.

Jim Searing expressed his concern regarding the process of resolutions. Mr. Searing suggested the Board develop a better process so that the community can review and be aware of resolutions prior to meetings. Ms. Tai stated the Fracking Resolution was mentioned at the last Board meeting.

Ed Leydon stated the topic of fracking has been debated and made public knowledge for quite some time. The topic was placed on the agenda so those interested could come to the meeting. Mr. Leydon questioned how the Delaware River Basin Commission was going to be notified of the resolution. After discussion, it was agreed to have Mr. Yeager scan a copy and send it to the Commission's secretary, as well as Mr. Leydon who would bring a copy to the Delaware River Basin Commission meeting being held December 13, 2017.

**Res. 2017-176 – Upon a motion by Mr. Baum Baicker, seconded by Mr. Morrissey, it was unanimously agreed to adopt a Resolution of the Board of Supervisors of Solebury Township, Bucks County, Pennsylvania, to call upon the Delaware River Basin Commission to enact a ban on natural gas development, hydraulic fracturing, and related activities throughout the Delaware River Basin.**

Omnibus – Authorization to send to Solebury Planning Commission and Bucks County Planning Commission

The proposed Ordinance is amending the Solebury Township Zoning Ordinance to provide for a Pet Cemetery, Dog Day Care, Veterinary Office, Individual Backyard Composting Facilities and Detention Facilities, to add special provisions, to correct certain missing zoning districts, the table of uses and summary and bulk regulation tables, and to update the subdivision and land development ordinance traffic signalization requirements.

Mr. Cosdon inquired if Section III, which reads: In Chapter 27, Part 4, Section 27-402.1.C., ADD the following conditional use in the Residential/Agricultural (RA) District: (14) Dog daycare; (15) Farm Animal Veterinary Care Facility; (16) Kennel; (17) Veterinary Office, is necessary due to the RA being so small in Solebury Township. Mr. Yeager informed Mr. Cosdon that this was a policy judgement and information from prior Zoning Officers. This question is appropriate for the Planning Commission to consider.

Mr. Cosdon pointed out that in Section II, the sentence: The term "farm building" shall not also not include farm animal veterinary care facilities or dog daycares, does not read correctly. Mr. Yeager stated that there are too many "nots" in the sentence. The second "not" is the extreme and can be removed.

Mr. Cosdon inquired if clinics are included in Hospital under Section XI. Mr. Yeager informed Mr. Cosdon that this was another term elsewhere, and he did not have the definition on hand.

**Res. 2017-177 – Upon a motion by Mr. Baum Baicker, seconded by Mr. Cosdon, it was unanimously agreed to authorize the proposed Ordinance be sent to Solebury Planning Commission and Bucks County Planning Commission.**

Land Preservation Committee – Property No. 152

**Res. 2017-178 – Upon a motion by Mr. Baum Baicker, seconded by Mr. Cosdon, it was unanimously agreed to authorize the Land Preservation Committee (LPC) to develop an easement agreement with the owner of LPC Property No. 152, an agreement to be reviewed and potentially approved by the Board of Supervisors.**

**X. Presentation**

Aquetong Spring Advisory Committee

Aquetong Spring Advisory Committee (ASAC) members, Michael Zolkewitz and Frank Nassetta presented a power point presentation to the Board (copy of which is attached). The presentation included: background and history; committee highlights; progress report and findings; and recommendations for Aquetong Spring Park.

While this park will be many more years in the making, the ASAC recommends a “soft opening” in 2018 so that the public may begin to enjoy and support the park.

Mr. Cosdon inquired if the former lake bed can be walked on. Mr. Zolkewitz advised that yes, the lake bed can be walked on but caution must be taken especially after a storm.

Ms. Tai thanked the ASAC for their work. She suggested the ASAC reach out to the public and develop a conceptual master plan for the park before the soft opening.

A resident inquired if there is a remediation plan for the sediment. Mr. Zolkewitz stated that the plan is a part of the restoration plan.

Barbara Zietchick expressed concern regarding the parks safety. Ms. Zietchick asked when the park will be safe for elder residents. She suggests the Committee reach out to the residents for input.

Ed Leydon asked if the members of ASAC are willing to serve another term and if ASAC has a relationship with Aquetong Watershed Association. The Committee answered yes to both.

Ms. Zietchick asked about the pesticides used. Mr. Nassetta advised that Princeton Hydro uses an herbicide that does not affect the fish.

**Res. 2017-179 – Upon a motion by Mr. Baum Baicker, seconded by Ms. Tai, it was unanimously agreed to extend the term of the Aquetong Spring Advisory Committee until December 31, 2018.**

C. Robert Wynn - Ash Trees

Mr. Wynn opened his presentation by showing a map and photographs (copy of which are attached) regarding the many dead and dying Walnut and Ash trees at Aquetong Spring Park (ASP). Mr. Wynn informed the Board that the Multiflora Rose in ASP is also dying. He recommended the Township consider having a Forester come out to evaluate the diversity of the trees that remain.

Mr. Cosdon asked if Ash Trees can be taken out of the southeastern region. Mr. Wynn replied that all Ash and Walnut trees cannot leave the county.

Mr. Carney stated that falling trees are a safety risk and recommends the Township be proactive on removing the diseased trees.

Ms. Tai stated the Environmental Advisory Committee (EAC) is working with a Forester. Mr. Carney has agreed to reach out to the EAC regarding the Forester evaluating ASP. Mr. Wynn will also reach out to Foresters to get their insight.

Mr. Carney agreed to get proposals to make the Kate Smith house safe for residents exploring the park.

Frank Nassetta asked if the trees can be chipped and used for the trails. Mr. Wynn stated, yes, that is a possibility.

The Board will discuss this further when additional information is available..

**XI. Subdivisions/Land Developments**

**XII. Public Comment**

**XIII. Adjournment**

**Res. 2017-180 – Upon a motion by Mr. Cosdon, seconded by Mr. Baum Baicker, the meeting was adjourned at 9:31 p.m.**

Respectfully submitted,  
Catherine Cataldi  
Administrative Assistant