

SOLEBURY TOWNSHIP BOARD OF SUPERVISORS
December 12, 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 K.Blood, Assistant Township Manager, and Renee Scally, Finance / Communications Coordinator. Mark L. Freed, Township Solicitor was 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 – December 7, 2023

Res. 2023-164 – Upon a motion by Ms. Howe, seconded by Mr. Francis, the list of Bills Payable dated December 7, 2023 was unanimously approved as prepared and posted.

III. Approval of Meeting Minutes – November 21, 2023 Budget Meeting

Res. 2023-165 – Upon a motion by Mr. Francis, seconded by Mr. McEwan, the Minutes of the November 21, 2023 Board meeting were unanimously approved as prepared and posted.

IV. Announcements / Resignations / Appointments

Announcements

Mr. Baum Baicker announced that Mr. McEwan’s term as Solebury Township Supervisor was ending December 31, 2023, and that this was his last Board meeting. Mr. Baum Baicker recognized Mr. McEwan’s six (6) years of service as a Solebury Township Supervisor, and commended Mr. McEwan for his selfless dedication to the community and local government, and for his leadership, commitment and passion for serving his fellow citizens. His areas of specific interest included the New Hope Solebury Library; sustainability efforts in the Township; the point person for the Lower Delaware Scenic Management Council; and the future Hal Clark Park Emergency Rescue dock. Mr. Baum Baicker thanked Mr. McEwan for his time and energy he has devoted to the betterment of Solebury Township.

Mr. McEwan was presented with a certificate from the Pennsylvania State Association of Township Supervisors recognizing his six (6) years of service to the Township. Mr. McEwan thanked the residents of Solebury Township and the Township staff who worked with him throughout his term.

Mr. Morrissey thanked Mr. McEwan for his energy, enthusiasm and talents.

Mr. Francis echoed Mr. Morrissey’s comments and stated it was a pleasure working with Mr. McEwan on the Environmental Advisory Board and sustainability efforts.

Ms. Howe thanked Mr. McEwan for being willing to give his time and share his knowledge with her.

Executive Session

Mr. Baum Baicker announced that an Executive Session was held directly prior to the Board of Supervisors meeting discussing Legal Matters.

Resignation of Jonathan Grossman from the Farm Committee

Res. 2023-166 – Upon a motion by Ms. Howe, seconded by Mr. Morrissey, it was unanimously agreed to accept the resignation of Jonathan Grossman from the Farm Committee effective immediately.

V. Supervisor Comment – No Supervisor Comment

VI. Old Business

Zoning Text Amendment – Farm Accessory Dwelling – Discussion

Mr. Baum Baicker opened the discussion noting there were members of the Farm Committee and Planning Commission in attendance who would participate in the discussion. Mr. Baum Baicker then provided background to the discussion:

- Supervisors are made aware of matters that arise before committees (i.e. Zoning Hearing Board) and these matters may cause Supervisors to have questions or concerns;
- One of these concerns is the cost of housing in the Township, particularly the cost of affordable housing for farm workers;
- The Board authorized the Township Administration and Solicitor to look into possible revisions to Township ordinances that could help address this situation.
- The result was a framework for an ordinance amendment including the loosening of the “clustering” requirements and other technical changes. The amendment was forwarded to the Planning Commission for review where a number of good points noted.
- The Board reached out to the Farm Committee and requested input on the specifics of the proposed amendment to the ordinance as well as other ideas from the Farm Committee might have merit to remedy this problem.

Mr. Freed expounded on Mr. Baum Baicker’s comments, and noted that “clustering” for existing structures that were not clustered but could be used as farmer worker housing continued to be raised. After much work and deliberation, the final result was to leave the “clustering” in the amendment but with a new category of farm worker housing that would be defined along with requirements. In this limited “farm worker housing” definition, the clustering requirement was removed. This change offers flexibility as to where farm worker housing could go on the property. The next step was to hold a public meeting where both members of the Planning Commission and Farm Committee, as well as the general public could offer comments and / or possible solutions.

Mr. Freed then defined an accessory dwelling as “a dwelling that is in addition to the primary dwelling” on property and “clustering” as the accessory dwelling must be on the same twenty-percent (20%) of the property as the main dwelling providing the advantage being that certain utilities on the property can be shared.

Mr. Garges then noted that the proposed amendment is density neutral; it does not allow additional dwelling units that wouldn’t normally be allowed.

Mr. Francis commented that the rationale behind the clustering was to prevent sprawl. Mr. Freed commented that while there is nothing in writing to support the clustering, that comment reflects the institutional knowledge regarding the rationale.

Mr. Baum Baicker then stated that the meeting would progress by representatives providing input on the ordinance and discussing other areas of concern or possible improvement. Ms. Howe then requested that the Farm Committee present their outline of ideas.

Mr. Gary Manoff, Solebury resident & Vice-Chair, Farm Committee discussed the Farm Committee's ideas and suggestions:

1. Farm Committee sees the "clustering" aspect of the amendment to the ordinance as one piece of the puzzle and supports the proposed amendment; and hope that it can be implemented on its own and not be tied to the larger discussion of farm housing that will be addressed tonight.
2. At its last meeting, the Farm Committee made a motion to approve the amendment as it was presented.
3. Farm Committee is making formal request that the Board of Supervisors reconsider the existing ratios of acreage and accessory dwelling numbers to more appropriately reflect farm size and the contemporary agriculture practices existing in the Township.
4. Recommends expanded consideration and allowances for multi-generational housing, accessory dwellings for workers and the retrofitting of existing farm structures to accommodate dormitory style housing.
5. Requests that burdensome permitting for some farm projects be waived when possible. Permitting can be cost prohibitive.
6. Requests the Township not super-cede State law, but look at the definition of agriculture in the Township; it needs to include value added products and experience.
7. Asks that council be retained to review the current Ordinance and modernize language to reflect the changes already happening within the farm community for items such as "agritainment" and "agritourism".
8. Thanked the Board for opportunity to speak tonight and look forward to a discussion of their requested.

Mr. Tim Lucarro, Solebury resident & member of the Farm Committee, suggested that the current Zoning Codes & Ordinance language needs to be expanded to include "value-added" services. Mr. Lucarro stated that the Commonwealth's definition of "value-added" services is broader and more inclusive than existing Solebury Ordinances and Zoning Codes.

Ms. Gretchen Rice, Solebury resident & member of the Planning Commission, offered the several points of the Farm Committee seem reasonable and necessary. Her comments relate to the draft ordinance:

- Planning Commission questions the benefit of eliminating the "cluster" requirement as outlined in the Ordinance. They do not believe it is a financial benefit to a farmer. Clustering offers the ability to tap into the existing infrastructure and perhaps lowers costs. There should be further discussion on the value of eliminating the twenty percent (20%) clustering.
- Consider the costs involved with applying for a "conditional use" which could become expensive.
- That multiple uses could be considered for existing buildings.

Mr. R. Brent Alderfer, Solebury resident and owner Spring Creek Farm, stated that flexibility to various and different farm needs is what is sought. Farm life is labor intensive and housing is a problem. Housing is a small part of addressing the problem; there needs to be flexibility for many different types of farm operations. The correct characterization is that farming in Solebury Township is not the same as conventional farming, and will never be in a Township this size with the size of the properties the farmers have, the densities and the demographics. In Solebury's modern farming, there is an emergence of passion and interest for local food, the farm experience and the effects it has on climate change and restoring soil balance. Mr. Alderfer wished to underscore that this type of farming is labor intensive and farmer's need the flexibility to charge for what the public wants. He would like to see a move toward the "farm experience" and what the public is seeking. Regulate the concerns that the Township has; the current ordinances do not allow that farmers to be financially sustainable.

Mr. Garges then stated that one of the intents of the amendment to the ordinance was to allow for flexibility in farm worker housing.

Mr. Francis then stated that his understanding of the “declustering” was to allow the use of existing buildings to be used for farm working housing. Ms. Rice expounded on this topic and the costs of conditional uses being cost prohibitive.

Ms. Rice stated that the Planning Commission was very supportive of adapting an existing structure that is not within the twenty-percent (20%) cluster, and perhaps having multiple-uses in existing structures (i.e. an existing barn that could be renovated to include an apartment). These buildings did not have to be within the twenty-percent (20%) clustering requirement.

Mr. Baum Baicker then posed a question to the farm community in attendance: Do you think there is a notable difference between limiting the non-clustering to existing buildings vs new buildings?

Mr. Josh Perlschwig, Solebury resident, stated that farms need flexibility and he agreed that adapting existing buildings is one component for housing, however, the farm layout and its operations, and how those operations are disbursed throughout the property, must also be taken into consideration.

Mr. Francis stated that he believed farmers were seeking flexibility for both housing and operations.

Ms. Howe then asked to clarification on the statement “conditional uses are expensive.”

Ms. Rice stated that conditional use costs include the non-refundable filing fee, engineering plans, engineering costs, attorneys’ fees, and escrow costs. Conditional uses are expensive and by amending the ordinance to allow for changes to the clustering requirement but requiring a conditional use to do it, would be cost prohibitive to farmers.

Mr. Freed then stated that the rationale behind the conditional use requirement was to address the concerns of the Planning Commission and others, and that if “declustering” was allowed, how would concerns (with something like the septic system) be addressed? The conditional use would allow Board action on the issue.

Mr. Tony D’Orazio, Solebury resident, thanked the Township for looking at the farmer’s issues / concerns. He recommended rather than piecemeal improvements, perhaps seek a grant and hire a consultant to review the existing ordinances, and write a model set of ordinances that is agricultural friendly. He believes this would be an avenue to support farmers and farming in Solebury Township. Mr. D’Orazio stated the farmers seek their rights which involved agricultural law, and the right to do active farming which includes value added products. Mr. D’Orazio suggested making the “farming issue” a component of the comprehensive plan which will be launched soon. It is important that this Township stay community oriented and avail local products to residents. A holistic approach and an infrastructure and set of rules in place that supports “value-added”, multifunctional uses of buildings, and the processing of food on the farm are requested.

Mr. Baum Baicker agreed that a word we all identify with is “holistic”. He agrees that the piecemeal approach will not work and the Township needs to modernize the ordinances as related to farms. We need to look at other ordinances and other approaches to this. Asked the solicitor to research what other people are doing and look for grants. The purpose of tonight’s discussion was not to decide something but to listen to the concerns of the farming community.

Mr. Morrissey suggested a follow-up discussion is required to fully understand what is being requested.

Mr. McEwan noted that committees propose items and issues to the Board of Supervisors who then act on it.

Ms. Howe suggested this is the first step of participation and that this is a challenging issue and thanked the Farm Committee members for being willing to partner with the Board on these issues. She thanked them for sharing all this information and for kicking off this process.

Mr. D’Orazio noted that the Solebury Township farmers are sustainable, regenerative farmers and this links up with sustainability initiatives across various committees within the Township.

Mr. Steven Phillip, Solebury resident and owner Cradle Valley Farm, stated that the most important takeaway from this meeting is that we need to do whatever we can as a community to work together to make farming sustainable in the Township; that means rethinking the classic definition for farming, of farming produce and products, and rethinking our zoning and regulations to facilitate it. The Township has been successful in preserving approximately forty percent (40%) of the land in the Township; if we are not successful in making farming sustainable, what happens to the land then? Important to listen to the input tonight and apply that to what the Township can do to make farming sustainable.

Mr. Morrissey again reiterated that the Farm Committee is integral to this process in guiding the Township on tackling his issue.

Mr. Baum Baicker summarized that the ordinances are “living documents” and should evolve. We wanted a three-way conversation between the Board, the Farm Committee and Planning Commission. We see the passion and the need to come up with solutions. We have hit step 1 by starting tonight. We are all learning and need to take the time to get this right.

Ms. Kaitlyn Farbotnik, Solebury resident, appreciates that the Board has acknowledged not knowing everything about farming and is willing to learn. She commented that retrofitting existing older, buildings for modern day farming is very difficult and farming is very labor intensive. There are many different types of a farming and farm buildings in the Township, and flexibility is a necessity. Farming today is nothing like it was even twenty-five (25) years ago, and a lot of infrastructure on those older farms is not usable today.

Mr. Josh Perlschwig, Solebury resident, stated this conversation is incredibly positive and it is encouraging to hear from the Supervisors and staff that this is something to work. A great opportunity to make improvements and exciting to see a better quality of life for farmers, producers and the community.

R. Brent Alderfer, Solebury resident, noted that we want to keep things beautiful and stated that this Township could be the lead in what is happening nationally in farming. There is momentum in what is happening around us. How do we move forward with local, PA preferred food? There is a passion about it and the next generation in the Township want it.

Mr. Francis stated this was a great conversation and feels that the ball is in the Farm Committee’s court. How do we get the Planning Commission involved? Perhaps a Planning Commission liaison to the Farm Committee would work.

Mr. Dan Fest, Planning Commission, felt compelled to mention the nurseries in the Township, and stated that many other communities are struggling with these issues.

Mr. Baum Baicker summarized that the solicitor is to bring back as information as possible from other communities to be reviewed, including ordinances.

Mr. Garges, added that the review of other ordinances and discussions with experts in those areas would be beneficial.

Mr. Baum Baicker stated that the Board recognizes the current, historical and future value of farming. The Township needs both technical and real-world help in exploring and solving these issues.

Ms. Howe and Mr. Baum Baicker thanked the Farm Committee for their time and efforts, and all others who contributed to tonight's discussion.

VII. Budget

2024 Budget – Authorization to Adopt

Mr. Baum Baicker stated the 2024 Solebury Township Budget was approved for advertising at the November 9, 2023, meeting. The budget is presented with no tax increase in 2024, with the total real estate tax millage remaining at 24.8102 mils.

Res.2023-167 – Upon a motion by Mr. Baum Baicker, seconded by Mr. McEwan, it was unanimously agreed to adopt the 2024 Budget as presented.

Tax Levy Resolution

Mr. Baum Baicker stated that the resolution is required to set the 2024 Tax in accordance with the adopted 2024 Budget.

Res.2023-168 – Upon a motion by Mr. Baum Baicker, seconded by Mr. Francis, 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 2024 as follows: General Fund Tax 8.5000 mils; Fire Tax Fund 1.7500 mils; Library Fund Tax .4910 mils; Debt Service Fund Tax 13.1290 mils; and EMS Fund Tax .9402 mils, for a total of 24.8102 mils, for a total of 24.8102 mils.

VIII. New Business

Solebury Township Budget Amendment – In accordance with the Second-Class Township Code, Section 3202(f), Township Administration recommends that the Board approve the proposed budget amendment as detailed in the attached *2023 Solebury Township Budget Amendment No. 2* document. The summary of proposed changes will affect the following Township Funds:

- General Fund – Increase of \$99,110 to Reserve Balance
- Park & Recreation Fund – Decrease of \$1,100 to Reserve Balance
- Liquid Fuels Fund – Decrease of \$10,000 to Reserve Balance
- Operating Reserve Fund – Decrease of \$50,000 to Reserve Balance
- Capital Equipment Fund – Decrease of \$100,000 to Reserve Balance
- Roads & Bridges Fund – Decrease of \$5,000 to Reserve Balance
- Park & Rec Capital Fund - Decrease of \$10,000 to Reserve Balance

Res.2023-169 - Upon a motion by Mr. Morrissey, seconded by Ms. Howe, it was unanimously agreed to approve the 2023 Budget Amendment No. 2 as documented.

Employee Handbook Update – Authorization to Adopt

Mr. Baum Baicker noted that Township Administration has been working with the Township Labor Attorney to updated the existing Employee Handbook to reflect current polices, practices and culture. Mr. Garges noted that the last time the Board officially adopted / amended the handbook was December 2004. Minor updates were made over the years, and a comprehensive review was undertaken. Input to this version of the handbooks was

ascertained from employees and the labor attorney. While there were not many substantive changes, other changes were made to bring the handbook in line with the current Uniform (police) contract. Items include:

- Addition of a fifteen year “step” in vacation policy which did not exist;
- Addition of a twenty year “step” to the longevity award to employees;
- Clarification of the sick policy to include a doctor’s note;
- Addition of maternity and paternity leave;
- Vaping rules; and
- Updated background check requirements.

Res.2023-170 - Upon a motion by Mr. Baum Baicker, seconded by Mr. McEwan, it was unanimously agreed to adopt the Solebury Township Employee Handbook as updated.

Disposal of Records

The Administration requests the Board’s approval for the disposal of records. The files abide by the guidelines outlined in resolution 2007-72.

Res.2023-171 - Upon a motion by Mr. McEwan, seconded by Mr. Morrissey, it was unanimously agreed to approve the Disposal of Records Request as documented.

IX. Public Comment – No public comment.

X. Adjournment

The meeting was adjourned at 7:27 pm.

Respectfully submitted,

Michele K. Blood
Assistant Township Manager / Finance Director
Treasurer