

SOLEBURY TOWNSHIP BOARD OF SUPERVISORS

July 17, 2018 – 7:00 P.M.

Solebury Township Hall

MINUTES

Attendance: Mark Baum Baicker, Chair, Kevin Morrissey, Vice-Chair, Robert McEwan, Noel Barrett, John S. Francis, Dennis H. Carney, Township Manager, and Catherine Cataldi, Secretary. Jordan Yeager, Solicitor and Curt Genner, Township Engineer were also in attendance

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 – June 29, 2018 and July 13, 2018

Res. 2018-82 – Upon a motion by Mr. Morrissey, seconded by Mr. Barrett, the list of Bills Payable dated June 29, 2018 and July 13, 2018, were unanimously approved as prepared and posted.

III. Approval of Minutes – June 13, 2018 Special Meeting and June 19, 2018 Regular Meeting

Res. 2018-83 – Upon a motion by Mr. Barrett, seconded by Mr. McEwan, the Minutes of the June 13, 2018 special meeting were unanimously approved.

Res. 2018-84 – Upon a motion by Mr. Morrissey, seconded by Mr. Francis, the Minutes of the June 19, 2018 meeting were unanimously approved.

IV. Announcements/Resignations/Appointments

• Executive Session

The Board did not have an executive session prior to the meeting.

• Resignation of John S. Francis from Zoning Hearing Board

Mr. Baum Baicker announced the Resignation of John S. Francis from the Zoning Hearing Board. The Supervisors thanked John S. Francis for his service.

Res. 2018-85 – Upon a motion by Mr. Barrett, seconded by Mr. McEwan, the resignation of John S. Francis from the Zoning Hearing Board was unanimously accepted.

• Resignation of Eva Mazurs Caputo from Land Preservation Committee

Mr. Baum Baicker announced the Resignation of Eva Mazurs Caputo from Land Preservation Committee. The Supervisors thanked Eva Mazurs Caputo for her service.

Res. 2018-86 – Upon a motion by Mr. McEwan, seconded by Mr. Barrett, the resignation of Eva Mazurs Caputo from Land Preservation Committee was unanimously accepted.

• Resignation of Chris Brown from Land Preservation Committee

Mr. Baum Baicker announced the Resignation of Chris Brown from Land Preservation Committee. The Supervisors thanked Chris Brown for his service.

Res. 2018-87 – Upon a motion by Mr. McEwan, seconded by Mr. Barrett, the resignation of Chris Brown from Land Preservation Committee was unanimously accepted.

- Appointment of Aquetong Spring Advisory Committee Liaison

Mr. Baum Baicker thanked Kevin for being Liaison for multiple committees. Mr. Baum Baicker nominated John S. Francis to be Supervisor Liaison for Aquetong Spring Advisory Committee.

Res. 2018-88 – Upon a motion by Mr. Baum Baicker, seconded by Mr. Barrett, it was unanimously agreed to appoint John S. Francis as the Supervisor Liaison for the Aquetong Spring Advisory Committee.

V. Supervisors Comment

- Mr. Baum Baicker asked that for future Board of Supervisors meetings, where only three Board members are to be present, that the Township staff endeavor to contact all parties on the agenda to allow them to request their appearance be postponed.
- Mr. Baum Baicker announced that the Solebury Township Board of Supervisors submitted an entry to the Free Library of New Hope Solebury Community Spelling Bee. The Spelling Bee is to be held Thursday, November 1, 2018 at 7:00 pm at the High School Auditorium. The entry fee is \$150.00 per team. Mr. Baum Baicker encourages all residents to form their own 3 person team, sponsor a team or come out and support the Library.

VI. Public Comment

- Wayne Kenton, resident, inquired about the Farm Committee.
- Nancy Wolff, resident, made a comment about safety regarding incidents along the powerline. Mr. Yeager informed the community that if they are involved in or see an incident to report it to the police immediately. The decisions made regarding charges by the Police and District Attorney's office are within their discretion and is not something the Board and Township Staff has control over.

VII. Presentations - No Presentations

VIII. Public Hearing

HARB – Certificate of Appropriateness – Howard Barsky (TMP # 41-4-11, 6204 Carversville Road)

The Historical Architectural Review Board (HARB) reviewed Howard Barsky's RRIK application and recommended a Certificate of Appropriateness be issued to TMP # 41-4-11, 6204 Carversville Road, for an in-kind replacement to the cedar shake shingle roof portion of his building. The proposed work qualifies for the Fast Track RRIK process and a building permit is required due to the area of the replacement of the roof.

Res. 2018-89 – Upon a motion by Mr. Baum Baicker, seconded by Mr. Morrissey, it was unanimously agreed to issue a Certificate of Appropriateness to TMP# 41-4-11, 6204 Carversville 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.

Authorization to Adopt – Fireworks Ordinance

The proposed Ordinance (copy of which is attached) amends the Solebury Township Zoning Ordinance to provide for permanent sales of consumer fireworks in the TNC Zoning District, temporary sales of consumer fireworks in the TNC District, and for associated regulations governing these uses.

Res. 2018-90 – Upon a motion by Mr. McEwan, seconded by Mr. Barrett, it was unanimously agreed to adopt the Fireworks Ordinance.

IX. Old Business- No Old Business

X. New Business

Authorization to Advertise – Associate Committee Members Ordinance

The proposed ordinance amends the Solebury Township Code of Ordinances to add associate committee members to the Planning Commission, Parks and Recreation Board, Historical Architectural Review Board and the Farm Committee.

Res. 2018-91 – Upon a motion by Mr. McEwan, seconded by Mr. Barrett, it was unanimously agreed to adopt the Associate Committee Members Ordinance.

Resolution to Reconstitute the Land Preservation Committee – Associate Members

The proposed resolution (copy of which is attached) reconstitutes the Land Preservation Committee with nine (9) members and to authorize the Board of Supervisors to appoint up to three (3) Associate members to the Land Preservation Committee.

Res. 2018-92 – Upon a motion by Mr. Morrissey, seconded by Mr. McEwan, it was unanimously agreed to reconstitute the Land Preservation Committee with nine (9) members and authorize the Board of Supervisors to appoint up to three (3) associate members.

Fuel Bid Award

Bids for fuel have been received by the Bucks County Consortium and reviewed by Solebury Township Administration.

Res. 2018-93 – Upon a motion by Mr. McEwan, seconded by Mr. Morrissey it was unanimously agreed to award the bid for Premium Unleaded Gasoline and Ultra Low Sulfur Diesel Fuel to PAPCO, Inc.; and to award the bid for Propane to Riggins Inc. as reflected in their respective bids submitted to the Bucks County Consortium.

Asplundh Grading Permit – Letter of Credit Release No. 3

The improvements required in connection with the land development known as Asplundh, Corey & Rebecca Grading Permit have been completed to the extent that One Hundred Thirty-Five Thousand Nine Hundred Two and 87/100 Dollars (\$135,902.87) can be released from the Letter of Credit held by the bank. The Township Engineer has reviewed authorization voucher no.3 and recommended the board approve the Letter of Credit release.

Res. 2018-94 – Upon a motion by Mr. Francis, seconded by Mr. McEwan it was unanimously agreed to approve Voucher No. 3 as recommended by the Township Engineer for the release of One Hundred Thirty Five Thousand Nine Hundred Two and 87/100 Dollars (\$135,902.87) from the Asplundh Irrevocable Letter of Credit with Bank of America.

XI. Public Hearing

XII. Subdivisions/Land Developments

Planning Commission – Preliminary/Final Land Development – (New Hope Oral Surgery) 6660 Old York Road, TMP # 41-22-149

The applicant is proposing the construction of a 3,481 sf medical office building and surgery center. The approval of the Preliminary/Final Land Development – New Hope Oral Surgery, 6660 Old York Road, TMP # 41-22-149 was tabled from June 19, 2018 Board of Supervisors meeting.

Res. 2018-95 – Upon a motion by Mr. McEwan, seconded by Mr. Barrett it was unanimously agreed to approve the Land Development subject to the Planning Commission’s recommendation of modification/waiver items 1A thru 1C, 1E thru 1H, 2A and 2B as indicated in June 7, 2018 memorandum from C. Robert Wynn Associates, Inc. The motion from the Planning Commission also recommended conditional approval of New Hope Oral Surgery Preliminary/Final Land Development plan dated April 5, 2018, latest revision date May 17, 2018, and prepared by Gilmore and Associates, Inc. The conditions of approval are: compliance with items indicated in C. Robert Wynn Associates review memorandum (dated June 7, 2018) and compliance with items indicated in Simone Collins review correspondence (also dated June 7, 2018).

Planning Commission – Land Development – Riverview

The applicant is proposing the construction of a banquet facility, retention of an existing residential structure for use as a ‘bridal suite’ or reception house, and conversion of the existing barn structure for use as a restaurant.

Res. 2018-96 – Upon a motion by Mr. McEwan, seconded by Mr. Barrett it was unanimously agreed to approve the Land Development subject to the Planning Commission’s recommendation of modification/waiver items 5A, 5B, 5D, 5E, and 5F, as indicated in April 4, 2018 memorandum from C. Robert Wynn Associates, Inc. The motion from the Planning Commission also recommended conditional approval of Riverview Land Development plan (dated September 2, 2016, latest revision date March 23, 2018) along with red-lined plan addressing parking space revisions (dated 5/7/18). The conditions of approval are: compliance with C. Robert Wynn Associates review letter (dated 4/4/18); compliance with Simone Collins review letter (dated 4/4/18); and receipt of \$50,000 cash contribution. Applicant further agrees to cooperate with the Township post-development concerning any necessary parking reconfiguration to address any problems related to parking space size.

XIII. Public Comment

XIV. Adjournment

The meeting was adjourned at 7:44 p.m.

Respectfully submitted,
Catherine Cataldi
Secretary

ORDINANCE NO. 2018-006

AN ORDINANCE OF THE TOWNSHIP OF SOLEBURY, BUCKS COUNTY, PENNSYLVANIA, AMENDING THE SOLEBURY TOWNSHIP ZONING ORDINANCE REGARDING PROVIDING FOR PERMANENT SALES OF CONSUMER FIREWORKS IN THE TNC ZONING DISTRICT, TEMPORARY SALES OF CONSUMER FIREWORKS IN THE TNC DISTRICT, AND FOR ASSOCIATED REGULATIONS GOVERNING THESE USES.

WHEREAS, Section 1516 (53 P.S. § 66516) of the Pennsylvania Second Class Township Code provides that the corporate powers of the Board of Supervisors of Solebury Township (the “Board of Supervisors”) include the ability to plan for the development of the Township through Zoning, Subdivision, and Land Development Regulations under the Act of July 13, 1968 (P.L. 805, No. 247), known as the “Pennsylvania Municipalities Planning Code”;

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, the Township has obligations under Article I of the Pennsylvania Constitution to protect property interests and to preserve and maintain the natural, scenic, historic and esthetic values of the environment;

WHEREAS, the Pennsylvania Second Class Township Code also provides to the Board of Supervisors the ability to enact regulations as may be necessary for the health, safety, and general welfare of the Township and its residents, 53 P.S. § 66506, and to enact regulations pertaining to fireworks and inflammable articles, 53 P.S. § 66534;

WHEREAS, the Pennsylvania General Assembly recently passed Act 43 of 2017 (formerly SB542), which the Governor approved on October 30, 2017;

WHEREAS, the Act *inter alia* contains certain provisions regarding regulation of fireworks, including sales of consumer fireworks, as defined by Act 43 of 2017;

WHEREAS, the proposed amendments have been advertised, considered, and reviewed in accordance with the Municipalities Planning Code;

NOW THEREFORE, in consideration of the foregoing, be it **ENACTED** and **ORDAINED** by the Board of Supervisors of Solebury Township, Bucks County, Pennsylvania, as follows:

I. Chapter 27 of the Township Code of Ordinances is hereby **AMENDED** as follows:

A. ADD the following to Section 27-2602.1 (Special Principal Use Regulations):

QQ. Permanent Facilities for Sale of Consumer Fireworks

1. "Consumer fireworks" and "display fireworks" shall have the same meaning as the term in Act 43 of 2017.

2. Permanent facilities for sales of consumer fireworks may only be permitted in accordance with the following conditions:

a. The facility must be licensed by the Pennsylvania Department of Agriculture.

b. The facility must comply with the Pennsylvania Construction Code Act, including the Township's Construction Code ordinances.

c. The facility must be a stand-alone permanent structure.

d. Storage areas shall be separated from wholesale or retail sales areas to which a purchaser may be admitted by appropriately rated fire separation.

e. The facility shall be located no closer than 250 feet from a facility selling or dispensing gasoline, propane or other flammable products.

f. The facility shall be located at least 1,500 feet from another facility licensed to sell consumer fireworks.

g. The facility shall have a monitored burglar and fire alarm system.

h. Quarterly fire drills and preplanning meetings shall be conducted as required by the local volunteer fire department with jurisdiction over the site of the proposed facility.

i. The facility shall be constructed, maintained, and operated in accordance with all Pennsylvania Department of Agriculture requirements and all standards set forth in Act 43 of 2017, including, but not limited to, the following:

(i) There shall be security personnel on the premises for the seven days preceding and including July 4 and for the three days preceding and including January 2.

(ii) No smoking shall be permitted in the facility.

(iii) No cigarettes or tobacco products, matches, lighters or any other flame-producing devices shall be permitted to be taken into the facility.

(iv) No minors shall be permitted in the facility unless accompanied by an adult, and each minor shall stay with the adult in the facility.

(v) All facilities shall carry at least \$2,000,000 in public and product liability insurance.

(vi) A licensee shall provide its employees with documented training in the area of operational safety of a facility. The licensee shall provide proof to the Township that it has provided written documentation to the Department of Agriculture that each employee has received the training.

(vii) No display fireworks shall be stored or located at a facility.

(viii) No person who appears to be under the influence of intoxicating liquor or drugs shall be admitted to the facility, and no liquor, beer or wine shall be permitted in the facility.

(ix) Emergency evacuation plans shall be conspicuously posted in appropriate locations within the facility.

3. The facility shall comply with the lot dimensional, area, and parking requirements of the TNC District, as applicable, including but not limited to setbacks and buffers, with the exception of the following:

1. The facility shall be no closer than 150 feet to any pipeline right-of-way.
2. The facility shall be located no closer than 600 feet from schools, daycare centers, nursing homes, hospitals, civic buildings, or dwellings.

4. Application for Permit. An applicant for permanent sales of consumer fireworks shall submit an application for a conditional use that contains, at a minimum, the following:

- a. Pennsylvania Department of Agriculture license
- b. Proof of at least \$2,000,000 in public and product liability insurance.
- c. Emergency evacuation plans.
- d. A site plan demonstrating compliance with setback requirements.
- e. Evidence of procedures to ensure compliance with Pennsylvania Department of Agriculture requirements, including but not limited to, prevention of smoking in the facility, security measures, and restriction of unaccompanied minors in the facility.

RR. Temporary Facilities for Sale of Consumer Fireworks

1. "Consumer Fireworks," "APA 87-1," "outdoor storage unit," "NFPA 1124," and "temporary structure" shall have the same meanings as in Act 43 of 2017.

2. Temporary facilities for sales of Consumer Fireworks are only permitted as accessory to commercial uses.

3. Temporary facilities for sales of Consumer Fireworks may only be permitted in accordance with the following conditions:
- a. The facility must be licensed by the Pennsylvania Department of Agriculture.
 - b. The facility shall be constructed, maintained, and operated in accordance with all Pennsylvania Department of Agriculture requirements and all standards set forth in Act 43 of 2017, including but not limited to, the following:
 - c. The temporary structure is located no closer than 250 feet from a facility storing, selling or dispensing gasoline, propane or other flammable products.
 - d. An evacuation plan is posted in a conspicuous location for a temporary structure in accordance with NFPA 1124.
 - e. The outdoor storage unit, if any, is separated from the wholesale or retail sales area to which a purchaser may be admitted by appropriately rated fire separation.
 - f. The temporary structure complies with NFPA 1124 as it relates to retail sales of consumer fireworks in temporary structures.
 - g. The temporary structure is located one of the following distances from a permanent facility licensed to sell consumer fireworks under the Act of May 15, 1939 (P.L.134, No.65), referred to as the Fireworks Law, at the time of the effective date of this article:
 - (i) prior to January 1, 2023, at least five miles.
 - (ii) beginning January 1, 2023, at least two miles.
 - h. The temporary structure does not exceed 2,500 square feet.
 - i. The temporary structure is secured at all times during which consumer fireworks are displayed within the structure.
 - j. The temporary structure has a minimum of \$2,000,000 in public and product liability insurance.
 - k. The sales period is limited to June 15 through July 8 and December 21 through January 2 of each year.
 - l. Consumer fireworks not on display for retail sale are stored in an outdoor storage unit.
 - m. The facility only sells the following consumer fireworks:
 - (i) Helicopter, aerial spinner (APA 87-1, 3.1.2.3).
 - (ii) Roman candle (APA 87-1, 3.1.2.4) .
 - (iii) Mine and shell devices not exceeding 500 grams.
4. The facility shall comply with the lot dimensional, area, and parking requirements of the TNC zoning district, including but not limited to setbacks and buffers, with the exception of the following:
- a. The facility shall be no closer than 150 feet any pipeline right-of-way.

b. The facility shall be located no closer than 600 feet from schools, daycare centers, nursing homes, hospitals, civic buildings, or dwellings.

5. No smoking, cigarettes, tobacco products, matches, lighters, or other flame-producing devices shall be permitted within the temporary facility.

6. No minor shall be permitted in the temporary facility unless accompanied by an adult at all times.

7. No person who appears to be under the influence of intoxicating liquor or drugs shall be admitted to the facility, and no liquor, beer or wine shall be permitted in the facility.

8. Application for Permit. An applicant for permanent sales of consumer fireworks shall submit an application to the Township that contains, at a minimum, the following:

- a. Pennsylvania Department of Agriculture license
- b. Proof of at least \$2,000,000 in public and product liability insurance.
- c. Emergency evacuation plans.
- d. A site plan demonstrating compliance with setback requirements.
- e. Evidence of procedures to ensure compliance with Pennsylvania Department of Agriculture requirements, including but not limited to, prevention of smoking in the facility, security measures, and restriction of unaccompanied minors in the facility.

C. **ADD** the following to Section 27-1602.1.C. (TNC District) as a conditional use:

(11) Permanent Facilities for Sale of Consumer Fireworks

D. **ADD** the following to Section 27-1602.1.B. (TNC District) as an accessory use:

(4) Temporary Facilities for Sale of Consumer Fireworks (accessory to commercial uses only)

E. **AMEND** the Table of Use Regulations as follows:

Uses	RA	RB	VR	R-1	VR-C	RD	RD-C	VC	VC-C	VC-1	RC	TNC	LI	QA	OR	MS
Permanent Facilities for Sale of Consumer Fireworks												C				
Temporary Facilities for Sale of Consumer Fireworks												PA*				

*accessory to commercial uses only

II. Partial Repealer

All other provisions of the Solebury Township Code of Ordinances, as amended, shall remain in full force and effect. All other Ordinances or provisions of the Township's Code of Ordinances inconsistent herewith or in conflict with any of the terms hereof are, to the extent of said inconsistencies or conflicts, are 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 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 17th day of July, 2018.

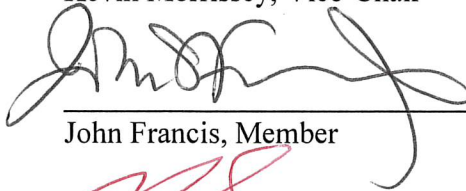
BOARD OF SUPERVISORS OF SOLEBURY
TOWNSHIP, BUCKS COUNTY,
PENNSYLVANIA



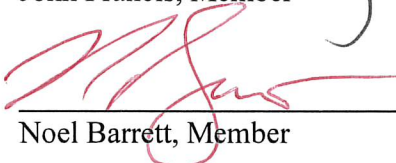
Mark Baum Baicker, Chair



Kevin Morrissey, Vice-Chair



John Francis, Member




Noel Barrett, Member



Robert McEwan, Member

Attest:


Catherine Cataldi, Township Secretary

SOLEBURY TOWNSHIP BOARD OF SUPERVISORS

RESOLUTION TO RECONSTITUTE THE LAND PRESERVATION COMMITTEE WITH NINE (9) MEMBERS AND TO AUTHORIZE THE BOARD OF SUPERVISORS TO APPOINT UP TO THREE (3) ASSOCIATE MEMBERS TO THE LAND PRESERVATION COMMITTEE

RESOLUTION 2018-92

WHEREAS, the Solebury Township Land Use Committee was renamed the Solebury Township Land Preservation Committee by Resolution 1999-30;

WHEREAS, the Land Preservation Committee coordinates Solebury Township's open space preservation program in accordance with the guidelines and procedures approved by the Solebury Township Board of Supervisors;

WHEREAS, Resolution 1999-30 provided for a Land Preservation Committee made up of seven (7) members; and

WHEREAS, the Board of Supervisors desires for the Land Preservation Committee to consist of nine (9) members, each of whom serves a two-year term;

WHEREAS, the Board of Supervisors desires to maintain all other aspects of Resolution 1999-30 with respect to appointment and replacement of members of the Land Preservation Committee, and the conduct of the Committee;

WHEREAS, the Board of Supervisors, desires to establish associate membership in the Land Preservation Committee whereby the Board of Supervisors may appoint up to three (3) nonvoting associate members to participate in all proceedings and discussions of the Land Preservation Committee;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of Solebury Township, Buck County, Commonwealth of Pennsylvania, as follows:

1) The Land Preservations Committee shall consist of nine (9) members, each serving two-year terms.

2) All other terms of Resolution 1999-30 are ratified, approved and confirmed in each and every respect.

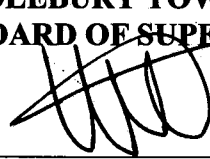
3) The Board of Supervisors of Solebury may appoint at its discretion up to three (3) nonvoting associate members to the Land Preservation Committee who shall be entitled to participate in all proceedings and discussions of the Board, but shall not have the right to vote.

4) The associate members will serve one-year terms and may serve an unlimited number of one-year terms.

5) Solebury Township Board of Supervisors reserves the right to remove associate members from the Land Preservation Committee as it deems necessary in the best interest of the Township.

RESOLVED, ADOPTED and APPROVED, on the 17th day of July, 2018, at a regular public meeting of the Board of Supervisors of Solebury Township.

**SOLEBURY TOWNSHIP
BOARD OF SUPERVISORS**



Mark Baum Baicker , Chair

Attest:



Catherine Cataldi, Township Secretary

Date: July 17, 2018