

*Incorporated March 12, 1738*

# TINICUM TOWNSHIP

*Bucks County*

## BOARD OF SUPERVISORS

163 Municipal Road  
Pipersville, Pennsylvania 18947

GARY PEARSON, CHAIRPERSON  
NICHOLAS C. FORTE, VICE-CHAIRPERSON  
VINCENT J. DOTTI, SUPERVISOR

### TINICUM TOWNSHIP BOARD OF SUPERVISORS MINUTES OF THE MEETING MARCH 20, 2012

Chairperson Gary Pearson called the meeting to order at 7:30 p.m. Vice Chairperson Nicholas Forte was in attendance with Supervisor Vincent Dotti, Solicitor Stephen Harris, Engineer Thomas Fountain and Manager Linda McNeill. There were about 25 person in the audience including Liz Bowman from the Herald, Amanda Cregan from the Intelligencer and Chuck Malinchak from the Morning Call.

**PLEDGE OF ALLEGIANCE:** Pearson led those present in the Pledge of Allegiance.

#### **PUBLIC SESSION:**

##### Bridge Closures

Damon Aherne said that the Township was regularly posting bridgework to the website, which was very helpful. He suggested that the Board establish a policy that established a procedure to be followed when a bridge repair or stream encroachment came to the Township. He said that the Board could then hopefully not give an affirmation until receiving in detail what was proposed. He requested the Board make the detailed plans public so that residents could comment. Pearson said that the Board did not get to "approve" other entities' projects and many times the period allowed for comment was 30 days, so to get them out and wait for community comments may not be possible but he thought coming up with some type of procedure so that it was clear to everyone what was going on was a good idea. He said that the Township had been trying to put PDF plans on the website and would continue to do so. He said that the diversion plan and the bridge plan for Jugtown Hill Bridge was posted. He said that the Township did not develop those plans; the County developed them 10-12 years ago.

Pearson also said he would like to correct the misinformation that vehicles would be detoured to Uhlerstown Hill Road. He said that Uhlerstown Hill Road was not the posted detour.

Forte said that every project PennDOT did was different and it that made it difficult to try to follow one avenue for every project, but the Board tried to keep everyone informed. He agreed it was not a bad idea to try to follow a plan for all projects.

Aherne said the Township was losing many of the attributes and features the ordinance protected when other entities replaced bridges or did road projects. He said that the widening of Upper Tinicum Church Road had impacts. Pearson said that the Board knew as much about the widening of Upper Tinicum Church Road as anyone else did and that PennDOT did not consult the Township or notify the Township about it. He said that the Board agreed that the outcomes were sometimes a detriment to many of Tinicum's attributes.

Pearson said that the Township had been trying to collect email addresses so that it could send notifications when a project was posted. McNeill said that the office was trying to collect a list for e-notifications and would be happy to keep residents informed. Dotti said that the Board tried to track things down and make them public as a service to the residents and comment on the projects and posted

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what it could on the website, but everyone must remember that Tinicum was not the agency responsible for the projects.

Pearson said that citizens should also comment and send letters to PennDOT or the County. Forte said that he felt it would be better if everyone commented to those agencies so that they did not think it was just the three board members that were concerned.

#### Emerald Ash Borer

Forte said that he had learned that Tinicum could lose 15 percent of its forests due to the Emerald Ash Borers' infestation. He said that Penn State Cooperative Extension was shocked that this had moved so quickly. He said that the Township website contained a link to certified arborists that were qualified to deal with this. He said that if someone had an ash that they want to save, they should contact an arborist as fast as possible to inject something into the ground to deter the borer. He said that the ash borers were already in the lower portion of the county. Pearson asked that a link be added to DCNR's website where there was information about the spread of the borer and what to look for.

McNeill said that the arborist link was posted, but more information would be posted to the website on Thursday. Forte said that it was an annual expense and so residents would have to decide for themselves what they would like to do.

#### Gas Drilling

Rebecca Roter said that she was a dual resident of Tinicum and Brooklyn Township in Susquehanna. She said that she was concerned about the recent passage of Act 13, which has taken away townships' abilities to protect their citizens from the gas drilling. She said that she knew first hand how this impacts water, air, traffic roads and property values tremendously.

Pearson said that the Board was aware of proposed litigation with other municipalities. He said the Township Solicitor was looking at many options and whether or not it would be beneficial to join that litigation.

#### **A. Old Business:**

##### Jugtown Hill Road Bridge Update:

McNeill said that she spoke with the project contractor and he sent an email this evening because they posted a detour stating the road would be closed on the 26th. She said that the contractor's email confirmed that they would be starting the project on the 26th.

McNeill said that the contractor was required to do a stone veneer mock-up for the abutments for the County and that she would be notified when that would be available on-site for anyone interested.

Chevalier asked if there was a time frame for completion. McNeill said that the county planned to have this finished by October 15th.

Auerbach said that in doing research on Adam Oscar-Martin who was the first county engineer 1900-1923 she found the three plate-girder bridges across the Canal, one of which was Jugtown Hill Road Bridge. She said that the idea behind these was an alternative to the wooden trusses and the design was for a smaller beam so that the canal boatmen could pass underneath. She said that the other two were in Yardley and are gone, so this bridge was the last. She said that the bridge was built to fit to fit the abutments of the Canal 1832 and made so that the plates could be transported on the canal and assembled by local people. She said that it was appalling that this will be eradicated, as the Canal was a National Landmark.

Forte asked if Bethlehem Steel Mills could have made the plates. Auerbach said that they probably were and they could have put them onto the Lehigh Canal. Forte asked if these bridges could be disassembled or if they were just too old. Auerbach said that she felt that as this was the very last plate-girder bridge done by a recognized architect and engineer, it should not be thrown in the trash, it should at a minimum be moved to the adjacent park.

Pearson asked McNeill to find out what the County planned to do with the existing bridge. Dotti asked if the bridge or abutments were cited as contributing elements. Auerbach said that the listing

identified the camel back bridges as they were original (Tinicum had one remaining) but this did not have a Section 106 review. She said there should be an opportunity to make an amendment to the plan even if it was removal and preservation of the bridge elsewhere.

Dotti asked if Forte would bring this matter up at the Commissioners meeting the following evening. Forte said that if Auerbach wanted to go to the County meeting as a historian, she could do that in that context. He said that he would contact Joe Bush but he did not want to discuss this with the County in the public meeting.

Aherne said that he did not understand how an additional eight-foot lane was added. Pearson said he believed that the neighbors wanted a walking lane 10-12 years ago, but he did not remember it well.

#### **B. Reports from Fire Companies, Police & Public Works:**

Delaware Valley Fire Chief Chris Chevalier said that the company responded to 10 calls in February, 6 fire calls and 4 QRS. He announced that the rummage sale would be held on April 20<sup>th</sup> and 21<sup>st</sup> and donations could be dropped off at the fire company. He said that they now had a clothing shed on the property and the fire company received funds for how much weight was collected monthly from the shed.

#### **C. New Business:**

Request from Walt Schneiderwind to discuss FEMA's proposed revisions to the preliminary Flood Insurance Rate Map (FIRM) and Flood Insurance Study (FIS) dated March 8, 2012.

Walt Schneiderwind said that he wanted to update the Supervisors on some of the outreach programs at the farm. He said that they had been working for about 4 years with Princeton, Bryn Mawr and Rutgers on a longitudinal study on native bees. He said that his was one of 18 farms in the study. He presented a summary letter for the past years study with a couple of articles from including one from Rachael Winfree. He said that on his farm there were 19 different species of native bees (17 of which were identified and the two species were rare). He said that 35 percent of the watermelon plants were pollinated by native bees and 65 percent were done by the honey bees they raise on the farm. He said that they have had some problems with honey bee colony collapse disorder (they just leave the hive and die). He said that they were starting to get this problem under control by looking at the variables. McNeill asked for a copy of the bee information for the Township building.

Schneiderwind said that he was involved with studying the flooding of the upper three miles of the Delaware River since 1996. He said he has now reviewed three different floodplain revisions. He said that the Township had approximately 10 miles of river floodplain, and more miles along tributaries in the Township.

Schneiderwind said that the Township could reduce Delaware River flood heights by 4 feet by reducing the stormwater runoff from undeveloped properties by 20 percent. Schneiderwind said that undeveloped properties were the problem and that if every structure (every house, barn, garage etc.) in Tinicum were relocated into the flood fringe of the Delaware River, and totally obstructed the flood fringe, it would only raise the flood height by 6 inches in a 100-year flood. Schneiderwind said that his proposal to control the stormwater runoff on the undeveloped lands would also recharge the aquifer. Dotti said that Tinicum was very diligent about stormwater runoff and those smaller creeks, that didn't look like much in drier times, were important headwaters. Schneiderwind suggested that the Township identify areas that were dry and water could be held. He said he would like to see thousands of lakes throughout the Township. Fountain said that you have to be very careful as that affects the thermal quality of the waters. Schneiderwind said he was talking about undeveloped fields.

Schneiderwind said that there was an unnamed creek that ran along Lodi Hill Road and at the bottom it ended at a waste gate of the Delaware Canal. He said that this summer, DCNR and the property owner removed 500 tons of aggregate that washed down that creek. Forte said the creek had a name which he had recently discovered on a historic map.

Schneiderwind said that a study was done using Ken Young's model on river flooding for the first three miles of the river in Tinicum. He said that this was done separately for two areas- the first two miles and the next mile done with a split flow. He said that FEMA hired a company named Medina to do the modeling. He said that FEMA agreed at the meeting to base the new modeling on the existing Ken Young model that the Township supplied. He said that when Medina did their model, they used the Ken Young model, but based it on a different area that went to Nova Scotia, which made everything come out to one foot lower.

Dotti said he attended the meeting and the comments were received unanimously. He said that FEMA's revised model agreed with the Township's Ken Young study for the lower mile (From the pits south) but the Township had not heard back from FEMA regarding the final model for the two miles north of the pits. He said that a lot of groundbreaking engineering was done on this. He said that at the August meeting, they were unanimous about accepting Ken Young's work and replacing the Medina work with his.

McNeill said she spoke with Bob Pierson about FEMA's March 8th letter and confirmed that John Janowitz was still in charge of the project. She said that she sent FEMA the Township's information again at Pierson's request.

Pearson said that the Township requested information on the March 8th letter and it had not heard back yet. He said that the Township had appeal rights in the March 8th letter. He directed McNeill to write a letter stating that the Township needed to know what FEMA was doing so that an appeal could be filed if necessary.

#### Uhlertown Hill Road:

Pearson said that Township was not using this as a detour but discussion came up due to the Jugtown Hill Bridge closure. He said that the Board had discussed what could be done to alleviate traffic impact to Uhlertown Hill Road. Pearson asked Harris what would need to be done to look at making this road one-way. Harris said that the Township needed an engineering study to see if that was appropriate. Fountain said that he looked at the older reports and suggested updating those reports to form the basis of whether or not that road should be one way. Forte said that the Police Chief told him he thought this was a good idea and was looking into this. Fountain said that road width and travel ability issues would be clarified to be sure that liquid fuels funding would still be applicable. Harris said that simply changing this to a one-way road would not disqualify the road from liquid fuels.

Aherne said that this was an issue that needed to be available for public comment. He said that he, and some of the people that live along this road were unaware. Pearson said that the Board only recently had thought about this. Aherne asked the Board when the neighbors would be invited to participate in discussions about changes to Uhlertown Hill Road. Pearson said that any discussions would be listed on the agenda and all would be held in public. Forte said that the discussion was that Fountain would look into this and report back to the Board. Pearson said that Township was not doing a detour, the County was. He said that the Board understood that the detour may affect Uhlertown Hill, and that was why the Board was looking at Uhlertown Hill Road. Aherne asked the Board if they would consider closing the road for public traffic until the bridge was reopened. Pearson said that he did not like leaving this road closed for safety reasons. He said that he did not like delaying response times longer than necessary.

Tom Williams asked where a turnaround would be constructed if constructed. Pearson said that the Board would consider a turnaround at the top if necessary. He said that the Board would need to discuss that matter with the engineer. Pearson said that Williams's driveways would be discussed with the Engineer so that any concerns would be addressed.

Edythe Victor asked if this would be a temporary situation. She said that if Uhlertown Hill Road was made one way, when Jugtown Hill Road reopened, they could use that.

Tom Williams said that he felt that people tend to drive more aggressively when they feel that traffic was only one way. He said he felt it was safer to leave it two-way. He said that having it open and two-way during the detour was something he could live with.

Aherne said that the posting of the speed limits there was not legal and the police could not enforce the ten-mile per hour speed limit without the signs. He said that the covered bridge had limited sight clearance and he did not understand the motive in supplying non-residents this detour. Dotti said that that he agreed that the situation had to be monitored carefully, but what was the motive for keeping it closed.

McNeill said that normally the Board thought about opening Uhlerstown Hill Road and removing the gate this time of year. She asked if the Board wanted to have the study done prior to opening the road. Forte said that he would like to have the study done first. Harris said that if the Board decides this should be one-way it would need to adopt an ordinance.

Aherne said that if right-of-way was needed, the Township would have to look at impact to the residents. Harris said that there was adequate right of way.

The Board directed Fountain to prepare an engineering study and to discuss his findings and recommendations at the next Supervisors' meeting on April 3<sup>rd</sup>.

Request from Dann Landau-Gahres on behalf of Genesis Adventures seeking approval to access roads in Tinicum Township during their Triathlon in Nockamixon State Park on September 8, 2012:

McNeill said that this was scheduled for April 17th from 8:15 am to 3 pm for bicycles only. Pearson said that many residents were asking if the township should be issuing permits for the events that have numerous bicycles on our township roads. He said that this should be discussed under the temporary event permit ordinance.

Motion by Dotti, seconded by Forte to allow Genesis Adventures to use South Park Road and close it between 8:15am and 3pm on September 8, 2012. Voted upon and passed.

Request from Bucks County Department of Health for a letter granting permission to treat municipal properties for mosquito control to help reduce the spread of West Nile Virus and to assist in identifying areas of need within Tinicum Township.

Motion by Pearson, seconded by Forte to direct the manager to grant permission and request treatment at the new park in Ottsville. Voted upon and passed.

**1) MINUTES:**

Motion by Pearson, seconded by Forte, to approve the Minutes of the Meeting of March 6, 2012 as written. Voted upon and passed.

**2) TREASURER'S REPORT & BUDGET RECAP:**

Motion by Pearson, seconded by Forte, to accept the Treasurer's Report and Budget Recap for March 2012. Voted upon and passed.

**3) PAYROLL REPORT:**

Motion by Pearson, seconded by Dotti, to approve the Payroll Report for the period of February 25, 2012 and ending March 9, 2012. Voted upon and passed.

**4) DISBURSEMENTS:**

Motion by Pearson, seconded by Dotti, to approve the below-listed Disbursements: Voted upon and passed.

General Fund: Trustees Insurance Fund \$963.60; Courier Times, Inc. \$403.50; Staples \$297.67; Met-Ed \$103.87; Met-Ed \$406.73; Hartford Life Insurance \$377.10; Delguerico's Disposal Service \$125.00; Eagle's Peak \$52.10; Cress Gas Co \$1,027.84; Met-Ed \$22.42; Frontier \$744.05; Gall's Inc. \$132.88; efts \$2025.03; Keystone Municipal Services \$2640.00; Keystone Municipal Engineering \$2668.00; Harris and Harris \$2727.50; McNamara Bolla Williams & Panzer \$234.00; Earthlink \$21.95; Kim Hinrichs \$653.70; Goodyear Tire \$929.00; VISA \$62.25.

Payroll Fund: Payroll for pay period ending 3/9/12; efts Federal \$5063.62; State \$812.67.

State Fund: Farm & Home Company \$1410.29; Wehrung's \$163.22; DriveKore Inc \$349.00; Plumstead Materials \$2953.18; Modern Precast Concrete \$371.00; GTS Welco \$21.52.

**5) A. PLANNING:**

**B. SUBDIVISION & LAND DEVELOPMENT:**

**6) ZONING:**

Request for review of Zoning Information by C.C. Johnson & Malhotra, P.C. on behalf of the Pennsylvania Department of Conservation and Natural Resources (DCNR) as they apply for a General Permit (GP-11) with Pennsylvania Department of Environmental Protection (DEP) to rehabilitate and replace the superstructure of an existing bridge over the Delaware Canal at Bridge Five Lane.

Pearson said that this related to the Bridge Five Lane bridge replacement. He said that this was a DCNR bridge on a private lane. Fountain said he received the plans today and he would forward those to the Township.

Pearson said that those plans would be scanned and added to the website. Dotti said that the comment period ended April 9th and the Board would hear comments at the April meeting prior to the 9th. Harris said that the general permit allowed them to install the box culvert without going through a lengthy individual permit process. He said that they were asking for comments, but Acts 67 and 68 required a zoning review prior to the general permit, to assure that the issuance of that permit did not violate the Township Zoning Ordinance.

Fountain said that the plans now had to be reviewed for compliance with zoning and answer this by March 27th. He said that he would work with McGlynn on this matter, put the letter together and send it to the applicant.

Aherne said that the way the plans were uploaded without the addendum and specifications no one could comprehend what was actually proposed. He said that in regard to Bridge Five, the Wild and Scenic component of the ordinance should be closely reviewed. He requested that the Board note that this was in the Wild Scenic Overlay District and closely review it for compliance. Fortes said that the residents on Bridge Five were fully aware of the proposal and currently have bridge that the ambulance cannot traverse. Dotti said that the Board would make a full comment and will solicit the comments of the neighbors as well. Pearson said that if the engineer and zoning officer decide the proposal does not comply with zoning, they will then come to the Board for a special exception. Harris said that he thought from Auerbach's previous comment, this bridge was not a contributing structure. Auerbach said she would have to go back and check on that. She said it fell within the boundaries, so that would trigger a Section 106 review. Pearson said he did not believe that the township received a Section 106 notice for this bridge. McNeill said the township did not.

Dotti said that the land use letter must be returned by March 27th and the comment period was open to April 9th and the Board would need to look at the historic value and construction and solicit comments prior to that. He said that there were two separate replies that the Township would be making on this. Pearson said that they could not list the project in the municipal register until the zoning letter was received and then there was a comment period from the date of the listing.

Auerbach said that in addition to addressing zoning and the comprehensive plan, there was a spot for additional comments. She said that the Board could add comments to the zoning review.

Auerbach said that the placement of the guide rail on the historic abutments. She said that the installation of the modern guide rail damages the integrity of the stone abutments due to how they were pounded on. She said that the Board might want to insist on wooden abutments.

Fountain said that he would work with McGlynn and review the project for compliance with the zoning ordinance and the comprehensive plan. He said that their review would be complete before the March 27<sup>th</sup> deadline.

**7) POLICE:**

**8) PUBLIC WORKS:**

**9) ZONING HEARING BOARD APPLICATIONS:**

**10) MISCELLANEOUS:**

Pearson recessed the regular meeting at 9:08 pm to discuss matters of litigation.

Pearson reconvened the meeting at 10:02 pm. The Board authorized McGlynn to file with the District Justice on the Szwarc matter. The Board authorized Harris to reactivate the injunction proceedings for the River Road Quarry matter.

**11) ADJOURNMENT:**

Motion by Pearson, seconded by Forte, to adjourn the meeting at 10:03 pm. Voted upon and passed. The next regularly scheduled Supervisors' meeting is April 3, 2012 at 7:30 p.m. in the Township Building.

TINICUM TOWNSHIP SUPERVISORS

Attest:

  
\_\_\_\_\_  
Linda McNeill, Township Manager

  
\_\_\_\_\_  
Gary Pearson, Chairperson

  
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Nicholas C. Forte, Vice Chairperson

  
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Vincent J. Dotti, Supervisor