

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 APRIL 3, 2012

Chairperson Gary Pearson called the meeting to order at 7:30 p.m. Vice Chairperson Nicholas Forte was present with Supervisor Vincent Dotti, Solicitor Stephen Harris, Engineer Tom Fountain and Treasurer Teri Lewis acting as secretary. There were approximately 32 persons in the audience.

PLEDGE OF ALLEGIANCE:

Pearson led those present in reciting the Pledge of Allegiance.

Pearson recessed the regular meeting for a brief executive session at 7:31 p.m.

Pearson reconvened the meeting at 7:42 pm. He announced that potential litigation was discussed and that there was nothing to report at this time.

PUBLIC SESSION:

A. Old Business:

Act 13 Update:

Forte said that the Board discussed the Oil and Gas drilling in Pa. He said that Act 13 (formally known as House Bill 1950 basically stripped local municipalities of their rights to zone and regulate drilling in their communities. He said that there were at least five municipalities who had filed a lawsuit against the state; Tinicum was not one of them at this time. He asked the Board if it would like to send a letter of support for those municipalities and read a draft support letter aloud for consideration.

Vince Dotti said that this did not preclude the Board from considering further action or other options regarding this matter.

Motion by Forte, seconded by Dotti to send the letter of support to the municipalities involved in the litigation. Voted upon and passed.

The Board directed the Manager to draft the letter and send it to Nockamixon and the other municipalities involved in the lawsuit.

Vladimir Solomon asked if one of the possible actions was joining the suit. Harris said it was, but there were other alternatives as well and that he had been discussing the matter with Nockamixon's counsel. Pearson said that the Board had some concerns about the litigation that has been filed, but was considering actions available.

Dotti said that the application for the well in Nockamixon was one mile from the Tinicum border on Beaver Run—and that may not be in Tinicum, but it was in its watershed and the Board was concerned.

Uhlerstown Hill Road – Scenic Road Petition

Todd Rubeck said he had volunteered to speak for his (Uhlerstown) community and presented a statement of approval from his neighbors to designate Uhlerstown Hill Road as a scenic road under Ordinance # 69. He said that out of 15 property owners with frontage along the road, they had 13 signatures. He said he understood the Board would not be able to make a decision this evening. He said

Office Hours: Mon. Tue. Thurs. Fri. 9am-5pm, Wed. 9am-Noon
Phone: (610) 294-9154
Fax: (610) 294-9889

that this was for the section of the Uhlerstown that was the Historic District from River Road up to the bend of the hill (or Mr. Williams and Dr. Hahn's property). He said that they were concerned about the potential volume of traffic that would be driving through their community.

Rubeck said that the preamble of the ordinance spoke about scenic and rural roads being irreplaceable and that changes could have an adverse impact. He said that the purpose of the ordinance was to balance convenient and safe routes for traffic with the need to keep the existing character of the road. He said that any increase in traffic could have an adverse impact to the road. He said that the goal and purpose was to submit this and ask that any decisions regarding Uhlerstown Hill Road be stayed until this issue was resolved.

Dotti asked if there was increase in traffic. Rubeck said there was a potential increase with the closure of Jugtown Hill Road for the bridge project. Dotti said he was not asking about the temporary situation of the bridge closure. He said that many of our residents have had additional traffic due to bridge projects. He asked if this road had an increase presently and without consideration to the Jugtown Hill Bridge. Rubeck said that there was already a tremendous amount of traffic on this road. He said that two weeks ago there was a road rally of about thirty cars using the road at 7:30 a.m. He said they traveled up the road, turned around in his driveway, damaged his fence and went back down the hill.

Forte said that he had been involved with drafting this ordinance in 1989 and said that the intent was to preserve some of the dirt roads, and some of the truly scenic places for the next generations to enjoy. He said that this was meant to avoid the situations that we had on Cafferty and Headquarters Roads where the construction was intense. He said that this was the first application where the community was applying for the designation to control traffic. He said that if it was okay with the petitioners, he would like to schedule the hearing on the petition for the Board's June 5th meeting.

Rubeck said that the primary intent was not traffic control, but noted that any increase in traffic would dilute and destroy the character of the road.

Pearson asked Harris how the ordinance worked. Harris explained the procedure for advertisement and hearings and listed the criteria for designation of scenic. He said that the ordinance specifically regulated changes to scenic roads. He gave an example "no unpaved scenic road could be paved unless the Board found no other option for public safety". He said that this ordinance protected curves, grades, widths and features but said scenic roads would not get special treatment such as extra maintenance.

Helen Prescott said that she lived there since 1968 and that traffic has drastically increased since that time with the Everbreeze development and paving. She said that the Township paved the road and the residents had no say. Pearson said he did not see the connection between scenic road designation and traffic.

Helynn Sher said that the community was seeking a voice on many matters. She said one example was when the County worked on the covered bridge and wanted to remove some lovely mature trees.

Pearson said if that was the case, he was happy to move forward.

Rubeck said that in conjunction with the Jugtown Bridge being closed for repair, diversion of traffic would greatly impact the road. Harris said that the ordinance did not regulate traffic, only condition. Rubeck said that they wanted the ordinance to have a voice.

Aherne said that the issue in his mind was how to preserve the road and with more traffic the community and Township needed to react differently. He said there were multiple historic districts affecting this section of road; and that the Uhlerstown Historic District and the Landmark District Delaware Canal intersect right there. He said that appropriate signage must be in place so that speed limits could be enforced. He said that managing ingress and egress was a role for the community. Harris said that ordinance gave a voice for alteration or improvements such as widening, drainage ditches, shoulders of traveled portion of road, paving changes in grade, straightening the road, and installation of utility lines, but not for traffic.

Forte said that there were options to help alleviate additional traffic. He said that when the Geigel Hill Road Bridge was out, Tankhannen Road, which was also scenic became an issue and the solution was to make Tankhannen a one-way road. Forte said that further discussion could be held at the

ordinance hearing.

Damon Aherne said that there were many issues with this road. He said that the Township acknowledged that they could not enforce the speed limit on Uhlerstown Hill Road.

Police Chief Sabath said that several years ago, this community wanted more police control for speeding and illegal parking. He said that the Township did the required studies and discovered that the proper speed limit was 25 and the road was marked in accordance with the State requirements so that it could be enforced. He said that the Township also posted no parking signs in the problem areas. He said that this did not go over well in the community and the residents wanted the signs removed stating that they were unsightly. Pearson said that a resident, or residents actually removed the signs themselves and that they had not been returned to the Township. Chief Sabath said that there was a trade-off, either the road must be properly posted, or the speed limit was not enforceable. Pearson said that the Board did everything it could.

Aherne said that the tourism has increased use as a thoroughfare and this was a problem. Dotti said it was a beautiful area and beautiful road.

Forte said that this was originally, a dirt road. He said that he recalled that Public Works had to pave a portion due to flood damage.

Rubeck said that this interplayed with the agenda item and he again asked the Board for a stay on any decisions on Jugtown Hill Road and the bridge until the proposal for scenic road was passed. Harris said he did not see the connection. Rubeck said this would give the residents a statutory right to participate in decisions that will impact their community. Harris said that if the Board wanted to consider making Uhlerstown Hill Road one-way, it must be done with an advertised ordinance, and the residents would have a voice at that ordinance hearing. He said that he did not see any connection between scenic road designation and traffic flow decisions.

Pearson asked if there were any further comments or questions. There were none.

Geigel Hill Road Bridge Trusses: Proposed PennDOT Contribution Agreement

Harris said that he had been concerned about the way the original document was written as the Township could incur overage charges, so he had revised the agreement and that PennDOT had approved his revisions. He said that the contract was now for a flat \$19,800 which was the agreed upon price.

Motion by Dotti seconded by Forte to approve the agreement and sign the contract. Voted upon and passed.

B. Reports from Police & Public Works:

C. New Business:

Resolution for an application to the PA Department of Conservation and Natural Resources for a grant to be used for the development of a Parkland Master Site Plan: 30 Tohickon Valley Road, Ottsville, Tax parcel No. 44-1-22-1

Motion by Dotti, seconded by Forte to approve the resolution for the DCNR grant application. Voted upon and passed.

Dotti said this is a chance for a professional planner to give the Township ideas, but not a substitute for a vigorous public discussion for what should be done with that site.

Uhlerstown Hill Road Engineering Study & Recommendations:

Engineer Fountain said that he did geometric and directional analyses of driving conditions on the road. He said that he reviewed the road for the normal routine expectations of a road within the Commonwealth and the site-specific irregularities of the road, such as the bends, curves, slopes, hillside and drop-off. He said that his report was still a draft and that he had not made any conclusions or recommendations as of yet but will be completing the report shortly.

Rosalyn Cahill asked if the Board was going to authorize opening the road as it normally did on April 1st. Pearson said that they have not discussed this yet.

Aherne asked if Fountain was looking at long-term, or the proposed Jugtown Hill traffic. He said

that he did not have the benefit of the minutes of the last meeting. Fountain said that traffic was not going to be detoured to Uhlerstown Hill Road and his recommendation was for long-term.

Dr. Hahn said that he has been there for 20 years and the road was self-regulating. He said that it must be driven slowly. He said that everyone could use Red Cliff which would add four minutes to commuting time and that was not much. He said he thought the Board should open the road as it did the last 20 years and deal with any problem if one occurred. He said that in 20 years, there were 2 accidents, one of which was a drunk driver. Chief Sabath said there were very few accidents, but there were many near misses. Dr. Hahn said that he believed this to be a safe road.

Presentation led by Rebecca Roter on Natural Gas Activities:

Pearson said he received notice that Ms. Roter was unable to attend the meeting this evening.

William Mitchell, Bucks County, requests authorization for the Use of Fire Police at Tinicum Park during the Bucks County Kennel Club Dog Show for traffic Control on Saturday, May 5, 2012 from 6:00 a.m. to 3:00 p.m.

Pearson said this was the largest outdoor dog show on the east coast.

Motion by Forte, seconded by Dotti to authorize the fire police for this event. Voted upon and passed.

Nockamixon Township requests authorization for use of Fire Police to assist the Palisades Community Foundation to provide traffic control at Palisades High School on Saturday May 5, 2012 from 8:30 a.m. to 10:30 a.m. during the 5K race.

Motion by Forte, seconded by Dotti to authorize the use of fire police. Voted upon and passed.

1) MINUTES:

Motion by Dotti, seconded by Forte, to approve the Minutes of the Meeting of March 20, 2012 as written. Voted upon and passed.

2) TREASURER'S REPORT & BUDGET RECAP:

The Treasurer's Report and Budget Recap for March 2012 will be presented on April 17, 2012.

3) PAYROLL REPORT:

Motion by Pearson, seconded by Forte, to approve the Payroll Report for the period of March 10, 2012 and ending March 23, 2012. Voted upon and passed.

4) DISBURSEMENTS:

Motion by Pearson, seconded by Forte, to approve the below-listed Disbursements:

General Fund: Ricoh Cust Finance Corp \$536.51; Swamps Auto Body \$4,100.04; Postmaster \$45.00; United Inspection Agency, Inc. \$110.00; Frontier \$735.02; Valero \$1,121.78; Verizonwireless \$258.29; Exxon Fleet Services \$204.81; YIS/Cowden Group, Inc. \$448.50; Gall's Inc. \$361.88; PSATS UC GROUP TRUST \$8,803.15; PMRS \$3,359.64; PMRS \$242.82; PA Dept of Labor and Industry \$146.31; DVHIT-W7090 \$19,667.17; efts \$2099.52.

Payroll Fund: Payroll for pay period ending 3/23/12; efts Fed \$5157.00; State \$842.56.

State Fund: Eagle Power \$1289.25

Joint Groundwater Management Fund: Global Water \$1125.00.

Voted upon and passed.

5) A. PLANNING:

B. SUBDIVISION & LAND DEVELOPMENT:

6) ZONING:

7) POLICE:

8) PUBLIC WORKS:

Motion by Pearson, seconded by Forte, to authorize the advertisement of the annual Public Works Department materials and project bids for 2012. Bids will be opened on April 26, 2012 at 10:00 am in the Township Municipal Office. Bids will be awarded at the regular Supervisor's meeting scheduled May 1, 2012 at 8:00 pm. Voted upon and passed.

Pearson said that the bids would be reviewed by the Manager and Public Works Director prior to formal awards on May 1.

9) ZONING HEARING BOARD APPLICATIONS:

10) MISCELLANEOUS:

Forte asked what the scheduled completion date was for the Jugtown Bridge project. Pearson that the date was October 15, 2012 but there was no incentive or penalty clause.

Pearson asked that the Manager contact New Hope Borough for a copy of their newest noise ordinance.

Pearson recessed the regular meeting at 8:25 p.m. for an executive session.

Pearson reconvened the regular meeting at 8:55 p.m. He announced that matters of potential litigation were discussed.


Pearson announced that Uhlerstown Hill Road would remain closed until at least the next meeting of the Board of Supervisors.


11) ADJOURNMENT:

Motion by Pearson, seconded by Forte, to adjourn the meeting at 8:57 p.m. Voted upon and passed. The next regularly scheduled Supervisors' meeting is April 17, 2012 at 7:30 p.m. in the Township Building.

TINICUM TOWNSHIP SUPERVISORS

Attest:


Linda McNeill, Township Manager


Gary Pearson, Chairperson


Nicholas C. Forte, Vice Chairperson


Vincent J. Dotti, Supervisor