

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 17, 2012

Chairperson Gary Pearson called the meeting to order at 7:30 p.m. Vice Chairperson Nick Forte was present with Supervisor Vincent Dotti, Solicitor Stephen Harris, Township Engineer Tom Fountain, and Township Manager Linda McNeill. Members of the press Chris Ruvo, Liz Bowman and Chuck Malinchak were in attendance. There were about 30 persons in the audience.

PLEDGE OF ALLEGIANCE:

Pearson led those present in the Pledge of Allegiance.

PUBLIC SESSION:

A. Old Business:

Uhlerstown Hill Road Engineering Study & Recommendations:

Pearson said that the Board asked the Engineer to look into the prior report done years ago by Joel DeFreytas and prepare an updated report for review.

Fountain summarized his report and said that he investigated roadway geometry, surface and construction aspects in regard to Uhlerstown Hill Road. He said that the paving was undulated, not of uniform width, and that the road did not have shoulders on either side. He said that driving conditions included areas where two lanes were available and areas where only one was available. He said that the report also included a review of properties that adjoin this road from the river to the top of it, near Everbreeze Drive. He said there were only a few residential properties that took access to the top. He said that the hill portion was not used as access to any residences. Fountain said that this road has historically been closed from December 1st to April 1st each year for public safety reasons.

Fountain said that the review concluded that usage for two-way traffic was not recommended. He said that irregularities for this road remained for one-way traffic, but making the road one-way lessened those conflicts. Fountain said that if the Township opted for one-way traffic, it would have to review the signage required and look at the adequacy of areas to create a turn around. He said that his report concluded that one-way traffic going up was the best option for this road as there was an adequate turn around area off of the Everbreeze side.

Dotti asked if a one-way decision would extend the life of the road, as it would cut the traffic in half. Fountain said that it would, but the road was not heavily used now.

Dotti asked about the deterioration of the road edge. Fountain said that if a tree fell on the downslope side, it could take out a portion of the road. He said that one of the contributing factors in the road shoulder deterioration was due to cars when they had to pass one another, as they have to ride the very edge of the road which damages it. He said that making this a one-way road should increase the life of the edges.

Pearson asked the Chief if he had reviewed the report. Sabath said that he agreed with the report's conclusions. McNeill said that the Public Works Director agreed with the conclusions as well.

Dr. Hahn said that he believed the Board was seeking a solution for a problem that did not exist. He said that the village of Uhlerstown was unanimous that they want the road kept as it was. He said that

Office Hours: Mon. Tue. Thurs. Fri. 9am-5pm, Wed. 9am-Noon

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they did not want the signage to ruin the unspoiled landscape. He said that the village of Uhlerstown liked tradition and liked it the way it was. He said the people have been driving down that road for years and this would cause confusion, which was not safe. He said that Fountain did a study on a road that was closed. He said the modern traffic engineering showed that big wide roads filled with signs have numerous accidents. He said that according to this report, Route 611 and River Road should be one-way. He said that as an ophthalmologist, those highly reflective signs that were supposed to add to safety, actually blind drivers. He said that when the Jugtown Hill Bridge reopens, people from Everbreeze development that normally used Uhlerstown Hill, would have to drive an extra 1000 miles per year, if 100 cars do that it was 100,000 extra miles - 5000 gallons of gasoline using an additional \$20,000 for gasoline. Hahn said that we cannot study a closed road, we should study history and open the road. He said this mistake could be very difficult to reverse.

Pearson said that the Board did not ask Fountain to do a traffic study-only a review of the road's condition. Dotti said that the study of the structure of the road could form a good opinion of the function of the road. He said that at the last meeting, the Board heard from the neighbors who have complained that the traffic has increased dramatically. Forte said that he has heard everyone complain that there was more traffic on his or her road, but the population in Tinicum has decreased.

Forte said that he did not want "overkill" with signage. He asked Fountain what would be necessary. Fountain explained where the three signs would be. He said that a one-way, arrow and do not enter sign would be necessary.

Ellie Anderson said she had not seen more traffic on the hill, she had seen less. She said that the residents understood how to use the road. Pearson said that the Board was speaking on Fountain's engineering report and the safety of the road based on the structure itself.

Robert Anderson said he had lived in Uhlerstown for 30+ years. He said that the road had never been in better condition than it was presently. He said that this road had not been a problem for the last ten years. He said that there were a few people that wanted the road made a one-way road.

Martie Kyde said that in Great Britain they have little stoplights that let you know that someone was on the narrow road. She said that this would eliminate the need for a one way road as there would only be one car at a time on the road.

Tom Williams asked where the one-way sign would be placed. He said that he needed access both ways due to the location of his driveways. Fountain said that the sign would be after that portion where he needed to go both ways. Williams said that he had another access he needed to use that was beyond the proposed sign area.

Hahn said he had a problem with the fact that there was no traffic study. Hahn said that currently this road was self-regulating and people knew where the pull-offs were. Pearson said that the Board was discussing whether or not the road itself could maintain two-way traffic. Dotti said a study was not necessary for the Board to know that a car may have to pass another on a narrow section of the hill. Forte said Fountain studied the physical structure and looked at deficiencies. He said that with the bridge closure in the area, there would probably be increased traffic. He said that he had thought about this for a long time, and in his mind, one-way was not a huge problem.

Paula Butler said she had lived on this road 30 years as well. She said that she and her husband use the hill regularly and she has had incidents on the hill where someone would not back down when she met them on a curve. She said one-way would be an inconvenience, but not a big one.

Williams asked about other roads in Tinicum that were narrow. Fountain said that there were no roads comparable to Uhlerstown Hill.

Jerry Becker asked if the road could be repaired and made safer. Fountain said that anything could be engineered. He said that that any proposal to make this road safe for two-way traffic would mean tree removal and heavy construction. Forte said that historically this was a horse and carriage dirt road with blocks on it so that the horses could take a breather. He said that in the 50's they started to tar and chip the road. He said that this area was blacktopped for the health a safety of the residents, so that emergency vehicles could travel it. Forte said that the road did not need repair in his mind, but it did need to be limited.

Pearson said that Public Works can repair and maintain the road but they could not change the road to make it a two-lane road.

Edythe Victor requested that the hill be opened while the Board was making its decision. She said that by keeping this road closed and the bridge closure in the area, it was doubling the problems and people were going fast on Upper Tinicum Church Road and Red Cliff Road. She said that the left branch of Red Cliff and Upper Tinicum Church needed stop signs. Chief Sabath said that there was one there previously. He said that he would look into this and report back to the Manager.

Anderson asked what brought on the discussion of changing the traffic pattern of Uhlerstown Hill Road. Pearson said that approximately one month ago, he asked Fountain to look at this as it had not been reviewed since 1997 and the Board thought it was appropriate to have a review done. He said that Fountain in his professional engineering position had concluded that it was not safe for two-way traffic. Anderson said that he felt that this was due to a few people complaining. Pearson said that was untrue, and a few people came to the last meeting a proposed to make a portion of the road a "scenic road". Harris said that this was a way of protecting the road from someone coming in to make this a two-way road and tearing down all the trees.

Anderson said that the Board should get a second opinion on the condition of the road. Pearson said that the Township had an engineer. Harris said that if an engineer has raised concerns about it being two lanes, and someone had an accident, the report would be brought up in court. He said that in order to change roads, an engineering study must be done in Pennsylvania in accordance with PennDOT's requirements. He said that in the one-way study, numbers of traffic flows did not matter; it was based on the geometry and road structure.

Dotti said that he respected that many of the local residents were able to negotiate some of these older roads, but they were public roads and people were coming over from Frenchtown all the time. He said that the Board had a responsibility to make the roads at a minimum safe for everyone.

Terry Pratt said that there were incidents on the hill and she has had to back up the hill a few times. She asked if there was a way to stop people from turning in and then using the driveways to turn back out as the road was still closed.

Motion by Dotti, seconded by Forte, to authorize Harris to draft an ordinance and advertise it for a hearing on May 1st to make Uhlerstown Hill Road one-way starting 100 feet from Old Canal Lane up hill to the top of the hill. Voted upon and passed.

Harris said that if the Board truly believed that the hill was unsafe for two-way traffic it should not reopen it to two-way traffic in the interim. The Board decided to leave the road closed at this time.

B. Reports from Police & Public Works:

Chief James Sabath announced that they would be holding a prescription drug take-back program April 28th at Wehrung's Home Center from 10 am to 2 pm. He said that anyone wishing to dispose of unused medications. He said that this kept things out of the hands of children and teens and out of our groundwater. He said that last year Bucks County had the highest number for this and that was during the snowstorm.

Pearson said that people should know that it was really important NOT to flush these drugs down the toilet as they contaminate the groundwater.

C. New Business:

Presentation and discussion led by Boyce Budd regarding the Township's open space program to include a brief analysis of what has been accomplished and what more we have to do in order to adequately protect the Township. Estimates of how much "adequate protection" will cost to accomplish and where the funding might come from along with two potential plans of action for the Supervisors to consider will be provided.

Karen Budd, past President of the Tinicum Conservancy and current Conservancy Board member was present with Norm MacArthur, of the County Open Space Commission and former chair of the

Township Open Space Commission, Martie Kyde, former Chair of the Open Space Commission and Boyce Budd, former Supervisor and current President of the Tinicum Conservancy.

She said that they were present to summarize the status of the open space protection program in Tinicum. She presented the map of the public and private protected lands in the Township. She said that the Conservancy was branching out and working on properties upstream of Tinicum and to form corridors of protection for streams and wildlife.

MacArthur said that they converted the map into pie charts to show that over 7000 acres have been protected in Tinicum so far. He said that the largest fragment of the easements on the pie chart were 100 percent owner donated. He said that the Open Space Review Board loves Tinicum because it has achieved the most conservation with the least amount of money. He said that even those that have received funding have given bargain sales and donated much of the value. He said that the Board should be very proud that the pie chart looks like it does.

Martie Kyde said that more than one third of the Township was already protected. She said another third of the Township did not need protection as it was suitable for a few houses only, so that left less than a third of the Township vulnerable. She said that much of the forests have been protected and the Township has written laws to protect its streams and groundwater. Kyde gave a presentation on the benefits of preservation that included the need for locally produced food. Kyde further explained the pie chart and spoke about the percentage of people that were interested in conservation easements. She said that 5500 acres still need targeting. She said that according to many calculations Tinicum was already developed to the point that could support our groundwater and trees must be protected to secure oxygen and prevent erosion.

Boyce Budd said that the Township had ten years of very active open space preservation. He said that the Township had an amazing group of people who voted 2:1 for preservation and donated much of the value of preserved lands here. He said that in order to continue preservation, the Township would need to add the funding. He said that the Conservancy absolutely supported the refinancing of the bond, which would save money and allow the Township another \$500,000 to use. He said that this amount would allow the program to continue and the Conservancy would absolutely prioritize lands. He said that the Conservancy would like to urge the Board to hold a referendum for an additional 2 million dollars for 2013-2014. He said that nothing would have impacted this Township in a good way, like this program.

Pearson said the Conservancy was asking the Township to refinance the debt and put that money back into the program and to consider doing a referendum in 2013-2014.

Dotti thanked everyone involved in this legacy for all they have done. He asked Budd how long he thought the \$511,000 would last. Karen Budd said she thought it would last to the end of 2013. Dotti asked Budd who he thought would prioritize. Budd said that the Conservancy would assist the Township, but the Board could prioritize or perhaps appoint a new Open Space Commission.

Dotti said that it seemed a no-brainer that the township should refinance this debt interest rate but this was a \$9.5 million dollar decision as that was the debt service cost and that was not counting the 15,000 per year it cost to collect the open space EIT. He said that the Township needed to look at all the options for refinancing and it may include looking at not taking the \$500,000 but lower our payments and putting the savings towards open space purchases. He said that there were many costs involved with the bond service and this may end up being almost 10 million at the end.

Dotti said that he was interested in a solution for the not just the next year or two but for continued open space preservation in the years ahead. He said that preservation was a real priority the work that has been done was wonderful and we can see what remains-about 150 parcels. He said that the Township would like to see a little more information/profile of the individual parcels. He said that important land that was highly developable would be top priority. He said that donated easements were really compelling that this was the largest portion of the pie charts.

MacArthur said that when landowners were approached by Township or Conservancy representatives, they were receptive but that there were no hard and fast rules to follow in order to predict when landowners were ready. He said that when the referendum was passed, many people thought that would be the end of donated easements, but it was not.

MacArthur said that in recent years Congress was generous and there was an enhanced charitable tax deduction program that had not been renewed this year. He said that every land preservation consultant thinks that this will be renewed in the future.

Karen Budd said that it was great to have priorities but you have to have willing landowners as well. She said this made it very difficult for planning and budgeting. Boyce said that was also why the final approval rested with the Board of Supervisors. He said that he researched different financing options and he felt that the best was a line of credit; so that the Township wasn't paying for money until it was used.

Dotti said that the Township bond was callable in September of this year. He said that he would like to get a few different rates from consultants for the bond issue. Dotti said that he felt that the decisions were a series of bonds, or a note and to decide if the Township should take a cash out of \$511,000 or use those funds to reduce our current note. He said that the Board must look at this at all angles.

Budd said that if the refinancing of the debt took place, it would reduce its expenses by \$511,000 annually. Dotti said this was not true; it was taking out this much and equalizing. He said that it was like a mortgage - when you refinance you may have the option of just reducing your monthly payment, but if you have equity, you may choose to have the same monthly payment and take out further money for construction, or whatever you wish.

Dotti said that the Township has spent almost 7 million, as the original note was taken out, interest was applied to the project fund, there were some grants and donations, and \$422,000 was paid down on the original note and re used. He said that right now there was 5.6 million principal still owed on the 6.1 million bonds. The interest is 3.8 million if the course was continued brought this to 9.5 million. He said that what was being proposed was to increase the total debt service from 5.6 million to 6.4 million -6,480,000 the difference being the 511,000 and the 165,000 associated underwriters and so forth costs to get this going.

Dotti said he would like to speak to Walker and have him look at all the options and he said that he would like a second opinion as well. He said that the township might want to do this as they did with the original bond.

The Board asked the Manager to invite Walker and another consultant to present options for funding ongoing conservation efforts.

Friends Camp Association of Pennsylvania, "Camp Onas" Septic Management/Grading Permit Application, 609 Geigel Hill Road, Tax parcel no. 44-5-37 Waiver Requests from the Township Septic Management Ordinance and Grading Ordinance as follows:

Waiver from requirement for construction escrow or performance bond, Section 123B 139

Waiver from the requirement for System to be located on a separate lot with buffering, Section 123B 1.d

Waiver from the requirement to have a replacement area, Section 124 A

Waiver from the Grading permit application for fees and monitoring of system during installation

David Gould, Esquire was present with Laurel Mueller of Soil Services Inc. and Bob Holt former chair and Paul McAndrews, present chair of the Board of Directors of Camp Onas. He said that they were trying to create a new wastewater treatment system for Camp Onas. He said that there were a number of small systems that were now there, functioned properly but were 30 years old and the camp wished to funnel these into a new more efficient system. He said that the only sandmound that would not be funneled into the new system would be the sand mound that was built about 10 years ago. He said that this would handle the wastewater from the summer camp and meeting facility. He said that Camp Onas' mission was to be a good steward and this was part of this and this was a system that posed no developmental threat to the township because of the conservation easement agreed to by the camp. He said that the Township and the Camp negotiated that there would be a limit to future building lots (maximum of four) if the Camp were to move from this property.

He said that the Camp had applied to the Township and the Tinicum Conservancy for the consent for this proposal. He said that the Conservancy had given consent, but he was now seeking consent from the Township. He said to make things simpler, the Conservation Easement states that if the camp moved, this new system cannot be used for any of the four building lots. He said that he was present to request the waivers listed above.

He said that the request for waiver from escrow requirements was necessary for the Camp to afford this project. He said that no flora or fauna will be disturbed and the installation would be done very quickly.

He said that in regard to buffering, the buffers were already there. He said that the Camp was located in a valley and surrounded by 40-year old growth woods. Mueller presented photos that showed the absorption area surrounded by walnut and cedar growth. She said that the absorption area was 3/4 cedar grove and 1/4 walnut grove that was mowed between trees. She said that all the trees would remain undisturbed.

Gould said that the system, this was a community system under the ordinance, but was not for a subdivision and was only for a single user that would be responsible for the system. He said that this system did not extinguish the soil for future use. He said that if the system failed in anyway, it could be repaired.

Fountain said he has seen these systems in Upper Bucks and they work admirably. He said he had no issues with the system being proposed. He said it was a disbursal system with tubing, the sewage was treated mechanically and disinfected and then disbursed.

Soil scientist Laura Mueller gave the Board a brief background of her credentials. She explained that this was a preferred technology because it recharges groundwater. She said that this was not a commercial sewage plant. She gave a pamphlet to the Board and explained the system in detail to the Board. She said that Camp Onas would have a 2.5-foot deep - 1.5 feet wide manifold trench. She said that was the total disturbance other than the collection at the buildings. She showed the board a diagram showing how sewage would be collected at the dining hall, Texas building and showers building. She said that drip systems don't have the problems that the gravity systems have. She said that daylight, sunlight and air were the most purifying disinfectants on the planet. Dotti asked if this was deep enough to keep from freezing. She said it was tested in North Dakota in frost. She said that the soil evaluation looks for seasonal high water table. She said that a very heavy rain there were still air pockets in a good soil. She said that the soil on the site needed to be a minimum of 20 inches minimum and this site is had 28 inches - 48 inches. She said that they performed a saturating hydraulic conductivity test on this site and the least permeable strata was done and they found that they could get 100 times the flow rate that would ever be offered. She said this was a 15 percent slope and this could be a massive sandmound but this was the only system that allowed the camp to keep the trees and work between them. She said that the camp wanted to be sustainable and asked to have their water measured. She said that the system would be designed for the peak capacity as though it were to sustain all year. 5500 gallons per day 1200 was already going to the sand mound. She said that they needed to design for 4300 gallons per day and so they rounded up to 5000 gallons per day for the system.

Gould said that the camp was open throughout the year, but 200 children stay overnight for an eight-week period. He said that groups come in for weekends but they are smaller numbers for smaller time periods, so throughout the rest of the year, this was a very modest number.

Dotti asked about the regulatory flows. Mueller said that they met the regulatory flows. Fountain agreed. Dotti asked how many acres this would encompass. Fountain said it was about one third of an acre.

Mueller said that she followed Tinicum's specific requirements in her report and the system was located 75-feet back from the creek. She said that it also included a 3rd party operation and maintenance agreement, preconstruction meeting for all parties and protection of the cedars for bird habitat. She said that the noxious weeds have been removed only. She said that over 6" DBA trees were limited to 10 percent removal percentage - and she would not be impacting 10 percent, She said that the grading permit needed only if disturbance was over an acre and this was not. Fountain said that he reviewed the

application and system closely and had no problem with other three waiver requests, but he was not comfortable with the request from the requirements of a grading permit and inspections. He said that they were working with the habitat and near the creek and he was not sure that the Township would want to give up its right to inspect the installation.

Mueller said that the Township would be invited as a co-permittee. Harris asked if the Township was on the hook with DEP. Mueller said no. Gould said that this was only due to the Township being a co-grantee on the easement. Mueller said there would be an operation and maintenance agreement. Pearson said that he felt the Township needed some oversight and he was not in agreement to grant the waiver for lack of a grading permit. Forte said that he agreed that the Township had a responsibility to over see this. Fountain said that he could provide a Professional Services Agreement for Township oversight.

Motion by Forte, seconded by Pearson to grant three of the requested waivers as follows:

- Waiver from requirement for construction escrow or performance bond, Section 123B 139
- Waiver from the requirement for System to be located on a separate lot with buffering, Section 123B 1.d
- Waiver from the requirement to have a replacement area, Section 124 A

Voted upon and passed.

The Board denied the request for a waiver from the Grading permit application and fees and monitoring of system during installation.

Motion by Forte, seconded by Dotti to consent to the installation of the system within the conservation easement. Voted upon and passed.

Revision to Tinicum Township Board of Supervisors' approval of the preliminary as final minor subdivision plan dated October 8, 2009 and Revision to the July 7, 2009 Conditional Use approval for Real Pro Enterprises, L.P., tax parcels 44-1-18 and 44-1-18-1:

Motion by Pearson, seconded by Dotti, to approve the revised preliminary minor subdivision plan of Real Pro Enterprises. Voted upon and passed.

Motion by Pearson seconded by Forte to approve the revised conditional use approval of Real Pro Enterprises. Voted upon and passed.

1) MINUTES:

Motion by Pearson, seconded by Dotti, to approve the Minutes of the Meeting of April 3, 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 Forte, to approve the Payroll Report for the period of March 24, 2012 and ending April 6, 2012. Voted upon and passed.

4) DISBURSEMENTS:

General Fund: United Inspection Agency, Inc. \$860.00; Met-Ed \$22.60; Keystone Municipal Services Inc. \$700.00; Keystone Municipal Services Inc \$2,430.00; Brown & Brown of Lehigh Valley \$500.00; Merry Maids \$460.40; Delguericco's Disposal Service \$130.00; Temple University CJTP \$297.00; Harrow Wash Station \$28.00; Earth Link \$21.95; Keystone Municipal Services Inc \$2,730.00; Gary Bickel's Garage \$351.70; Met-Ed \$413.02; Met-Ed \$110.32; Courier Times, Inc. \$10.00; Harris and Harris \$2,122.50; Eagle's Peak \$20.05; efts \$1986.67.

Payroll for pay period ending 4/6/12; efts Federal \$5028.33; efts State \$797.27.

State Fund: Farm & Home Oil \$851.07; H & K Materials \$4902.66; Wehrung's \$165.69; Letterco \$295.50; GTS Welco \$185.45; Vanderley's Truck Sales and Service \$322.98.

Groundwater Fund: Lennon's Small Jobs \$305.00 & \$739.10.

Voted upon and passed.

5) A. PLANNING:

B. SUBDIVISION & LAND DEVELOPMENT:

6) ZONING:

7) POLICE:

8) PUBLIC WORKS:

9) ZONING HEARING BOARD APPLICATIONS:

10) MISCELLANEOUS:

Pearson recessed the regular meeting for an executive session at 10:15 pm. He called the meeting back to order at 10:45 p.m. and said that the Board discuss legal issues and personnel. There was no action to report.

11) ADJOURNMENT:

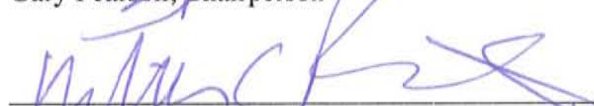
Motion by Pearson, seconded by Forte to adjourn the meeting at 10:55 p.m. The next regularly scheduled Supervisors' meeting is May 1, 2012 at 7:30 p.m. in the Township Building.

TINICUM TOWNSHIP SUPERVISORS

Attest:


Linda McNeill, Township Manager


Gary Pearson, Chairperson


Nicholas C. Forte, Vice Chairperson


Vincent J. Dotti, Supervisor