

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 SEPTEMBER 18, 2012

Chairperson Gary Pearson called the meeting to order at 7:30 p.m. Vice Chairperson Nick Forte and Supervisor Vincent Dotti were in attendance with Solicitor Stephen Harris and Manager Linda McNeill. There were about 15 persons in the audience including Amanda Cregan of the Intelligencer and Liz Bowman from the Bucks County Herald.

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

PUBLIC SESSION:

Pearson said that the Board held a budget meeting on Friday September 14 and the contractor for the Jugtown Hill Bridge came to the Board to ask for relief from the noise ordinance so that they could make up time lost due to weather delays. He said that the Board granted them permission to start work at 6:30 am weekdays and 8:00 am Saturdays. He said that the Board was hoping that the Jugtown Bridge would be open the first week in November. Pearson said unfortunately, before that, Bridgeton Hill Road will close October 1st. He said that the contractor must dewater the canal to work on it. He said that the time frame to dewater the canal could not be changed due to the endangered red-bellied turtles living in the canal. He said that there would be an overlap of Jugtown Road and Bridgeton Hill Road closures.

Pearson said that Route 32 and 611 will be closed for about a week in Nockamixon and they will be detoured onto Narrows Hill and Upper Tinicum Church. He said that everyone would be seeing some confusing detours.

Pearson said that a truck hit and ran through the Erwinna Covered Bridge closing that. McNeill said she spoke with George Dunheimer and Monica Harrower of PennDOT and neither could give her any idea of a time period for repairs at this time.

M. Aherne asked why any traffic would be sent to Geigel Hill. Pearson said that PennDOT detours traffic on state roads and truck traffic would be sent to Route 611.

A. Old Business:

Proposed Stipulation and Settlement Agreement between Tinicum Township and the Estate of Richard DeGroot:

Susan Gittler, introduced herself as the sister in-law of the Gittlers that had the Agreement of Sale for the DeGroot Property. She said that she her brother-in-law and his wife lived in California and that she lived in New Jersey.

Harris said that after the last meeting, he sent a detailed email to Attorney Mike Carr regarding the changes the Township wished to make in the stipulated settlement agreement. He said that one of those changes was to give a three-year time frame to restore the property. He said that Carr asked for specifics on restoration and the penalty if restoration was not completed in three years. Harris said he could not provide that until the specifics were discussed in a public meeting.

Office Hours: Mon. Tue. Thurs. Fri. 9am-5pm, Wed. 9am-Noon
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Harris said that he told Carr he would ask the Board if it would agree to delete the three-year time requirement and continue to rely on the requirement that it would be done in accordance with the standards. He said that the applicants agreed to the other changes that the Board requested.

Harris said that he understood from Carr that the property has been removed from the tax sale list. Harris said that Carr told him that the agreement of sale was extended from the September 15th date to allow discussion. Harris said that if the agreement of sale fell through, the property would go back on the market for a reasonable time period before returning to the upset sale and tax sale lists.

Harris said that the applicants were concerned with the specifics of what had to be completed in three years. Pearson said that he did not understand the concern as the remediation was discussed in the stipulation. Harris said that the concern was if the Township had in mind a standard of restoration that did not occur, and then the Township did not like the restoration, the agreement would be voided. Pearson said that he thought the agreement listed the specifics for the restoration. Dotti said that the Township was concerned with the exterior of the house and barn, not the interior. Pearson and Forte agreed. Pearson noted that the illegal additions/building were to be removed as well. He said he was not really open to removing the intent of that section. He said that he would consider changing the time period, but he thought that there should be a relatively short-term finite period. Harris said that in regard to remediation - if the restoration was not accomplished within the time frame, the Board would send a notice and the property owner would be given a certain time period to bring the property into compliance. Dotti asked if the Township could withdraw the Certificate of Occupancy if they hadn't come into compliance. Harris said yes.

Harris said that at the last meeting, the Board asked him to make changes and one of those was to add a paragraph that would state this. He said that he has not yet added this to the agreement as it had not been worked out completely with the applicants. He said that he would revise the language to state that remediation was referring to the exterior of the house and barn and the removal of unpermitted additions and buildings, and if this was not completed within three years, the owner would receive a notice of default and would have to come into compliance within three months or the certificate of occupancy would be suspended.

Dotti said that by "restoration" the Board means that any repair performed must be done in accordance with the standards outlined in the agreement. Harris said that if the buyer accepts the terms, he would revise the stipulation, and assuming it was approved and signed by the buyer(s), it would come back to the Board for approval and signatures at a public meeting.

M. Aherne asked if the next meeting on the matter would be public. Harris said yes. Pearson said that the Township would post the revised settlement agreement on the website.

Harris said he would contact Carr.

Oil & Gas Amicus Brief Update:

Harris announced that the Amicus Brief had been filed. He said that in addition to the National Resources Defense Council, Tinicum Township was joined by Bell Acres Borough, East Finley Township, the City of Bethlehem, Municipality of Monroeville and Municipality Murrysville and Wilkins Township. He said that he received the actual filing last evening and had emailed each of the Supervisors a copy and felt that they would be pleased with how this was written.

Dotti requested that a copy of the brief should be posted on the website. Harris said that it has been posted on the Delaware Riverkeeper's site and comments would be accepted by the Riverkeeper.

Marshall Island:

Harris said that he spoke with the attorney for the Authority about the purchase of the River access portion and they were generally agreeable to this, but they need to check to see if that land was needed for habitat remediation for the eagles. He said that the authority said that they would research this and get back to the Board.

B. Reports from Police, Emergency Services & Public Works:**Report from Delaware Valley Fire Company:**

Chief Chevalier said that he had taken precautions and had tried to be proactive for providing emergency response to the residents in the areas affected by the bridge closures. He said he had added the next due companies (Ottsville and Upper Black Eddy Fire Companies) as automatic due to address extended response time created by detours. Forte asked if when Bridgeton Hill Road closes, would Company 47 place any engines at the top of the hill. Chevalier said that the tanker and rescue would be moved to Deer Woods Lane and the rest of the vehicles would remain at the station.

Chevalier announced DelVal's Car Show on September 22nd.

C. New Business:

Kim Gaspar, Director of the Eastern Upper Bucks Senior Center will be present to discuss the Center's positive strides in reaching local organizations and individuals in nine surrounding municipalities and their financial needs.

Gaspar was unable to attend, but would attend the next meeting of the Board.

Property Owner/Applicant Nicholas and Beverly Tscheschlog request approval to construct an In-Law addition to their home in accordance with the Tinicum Township Zoning Ordinance, (H3) Residential Structure or Use, Subsection (d) Residential Accessory Dwelling. This property is identified as Tax Parcel No. 44-14-7-2 with an address of 20 Tankhannen Road, Ottsville, PA and is a 5.009 acre +/- tract located in the Residential Agricultural (RA) Zoning District.

Nick and Beverly Tscheschlog were present for review of their application. Nick Tscheschlog said Beverly's mother was 93 and they wanted to build an In-Law addition so that she can live with them. He said that this would consist of a bedroom, kitchenette and handicap accessible bathroom. He said that he wants this to be a permanent addition as he and Beverly can move into it when they age. Forte asked why the Tscheschlogs needed to come to the Board. McNeill said that this was a use that needed to go before the Planning Commission. Dotti said that the Planning Commission did review this and wanted this to come before the Board for affirmation as Tscheschlog was a Planning Commission Member. He said that this application met the four requirements of the H3d use. He said that this was a facility for a family member and not for rental purposes.

Motion by Pearson, seconded by Forte to affirm the recommendation of the Planning Commission for this proposal. Voted upon and passed.

1) MINUTES:

The approval of the Minutes of the Meeting of September 4, 2012 was tabled to the next scheduled meeting of the Board.

2) TREASURER'S REPORT & BUDGET RECAP:

Motion by Pearson, seconded by Forte, to accept the Treasurer's Reports and Budget Recaps for July August. Voted upon and passed.

3) PAYROLL REPORT:

Motion by Pearson, seconded by Forte, to approve the Payroll Report for the period of September 1, 2012 and ending September 14, 2012. Voted upon and passed.

4) DISBURSEMENTS:

Motion by Pearson, seconded by Dotti, to approve the below listed disbursements:

General Fund: Selective Insurance \$11,903.00; United Inspection Agency, Inc. \$705.00; DVHIT-W7090 \$20,676.74; Delguericco's Disposal Service \$130.00; Met-Ed 21.37; James Sabath \$372.04; Ricoh Corporation \$32.09; Merry Maids \$94.34; Earth Link \$21.95; Petty Cash \$100.11; District Justice \$47.60; Holicong Locksmiths \$3,096.67; Holicong Locksmiths \$2,694.34; TN Techs LLC \$1,320.47;

Met-Ed \$57.63; Met-Ed \$417.01; efts \$2036.12.

Payroll Fund: Payroll for pay period ending 9/7/12; efts Fed \$5094.30 efts State \$817.12

State Fund: Vanderlely Truck Sales & Service \$242.33; Wehrung's \$89.72 & 101.21; Pipersville Garden Center \$81.38; NAPA of Ottsville \$27.25.

Capital & Equip Fund: Cooper Mechanical \$1994.13

Open Space Tax Fund: TD Bank \$122175.00 & 116,035.00.

Voted upon and passed.

5) A. PLANNING:

Tinicum Township Parkland/Former Cooper Driving Range:

Proposal from an individual who wishes to lease the Driving Range. Proposal is to pay the taxes and give the Township a "participation deal" for a percentage of profits.

Harris said that the conservation easement made an exception for outdoor public recreation subject to review and approval by the County. He suggested the Board ask the County informally for their opinion. He said that if the County agrees, the Board could then send a formal letter asking for approval. Pearson said that the Township's budget was the tightest he could remember and he thought the Board should look at the potential for a lease that could help with revenue. He said that the Board did not have details yet and this may not work out, but he thought it deserved consideration, as the Township did not have funding to spend on the park in 2013. Dotti asked if the Township would forfeit its tax-exempt status on the parcel. Harris said it would. Pearson said that the lessee would have to pay those property taxes.

B. SUBDIVISION & LAND DEVELOPMENT:

6) ZONING:

Proposed amendment to the Tinicum Township Zoning Ordinance to create an Airport Overlay District:

Harris said that there was a mandate that every municipality that had an airport adopt an airport overlay district to enact the legislature that had passed. He said that Tinicum did, but it was overkill. He said that shortly after the Township reviewed the model ordinance the State came out with a simplified version of the ordinance that and that he drafted a new ordinance based on the simplified version. He said that our Planning Commission was concerned about the regulations applying to everything in the "vicinity" of the airport since "vicinity" was not defined. Harris said that the recent proposed ordinance limited the definition of "vicinity" to the horizontal ring rather than the conical. He said that no special permission was necessary for anything less than 35 feet, which was the normal residential height.

Harris said that if those provisions were acceptable to the Planning Commission and Board of Supervisors, he would revise the definitions in the ordinance and submit it and finalize this for a hearing.

Motion by Forte seconded by Pearson to authorize Harris to make those changes. Voted upon and passed. Harris said that this would have to be resubmitted for review due to the revisions.

Trevor McNeill said that the Planning Commission did not want to delay the ordinance but wanted to relieve both the zoning and hundreds of residents from the burden this ordinance would have placed on them.

7) POLICE:

8) PUBLIC WORKS:

9) ZONING HEARING BOARD APPLICATIONS:

Pearson announced the following:

#3-2012 Property Owner/Applicant William and Connie Bahnck/Reed Sign Company Request a Variance from the sign setback deviation from the Right of Way, Article X, Section 1003, subsection (e) to install a new sign adjacent to the vehicular entrance. This property is identified as Tax Parcel No. 44-2-1-1 with an address of 7790 Easton Road, Ottsville, PA and is a 5.006 acre +/- tract located in the Village Residential (VR) Zoning District. The Hearing is scheduled for September 27, 2012 at 7:00 p.m.

10) MISCELLANEOUS:

A. Set the date and time for Halloween Trick or Treat:

Motion by Pearson seconded by Forte, to set the date and time for Trick or Treat as Wednesday, October 31st between 6:00 pm and 8:00 pm. Voted upon and passed.

Pearson recessed the regular meeting at 8:19 pm for an executive session.

Pearson called the regular meeting back to order at 8:40 p.m. and announced that litigation had been discussed.

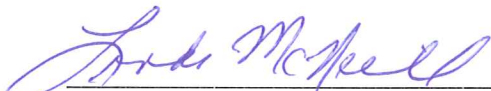
Motion by G. Pearson, seconded by V. Dotti to authorize Shawn McGlymm to file civil complaints and non-traffic citations as applicable in the matter of Crance and Hamilton. Voted upon and passed.

11) ADJOURNMENT:

Motion by Pearson, seconded by Forte, to recess the meeting at 8:53 p.m. and continue the meeting to September 19th at 7 p.m. to discuss the budget. Voted upon and passed. The Board said that everyone was welcome to attend the budget meeting. The next regularly scheduled Supervisors' meeting is October 2, 2012 at 7:30 p.m. in the Township Building.

TINICUM TOWNSHIP SUPERVISORS

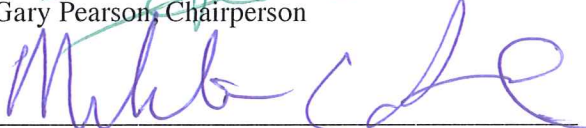
Attest:



Linda McNeill, Township Manager



Gary Pearson, Chairperson



Nicholas C. Forte, Vice Chairperson



Vincent J. Dotti, Supervisor