

Incorporated March 12, 1738

TINICUM TOWNSHIP

Bucks County

BOARD OF SUPERVISORS

163 Municipal Road
Pipersville, Pennsylvania 18947

RICHARD ROSAMILIA, CHAIRPERSON
JIM HELMS, VICE-CHAIRPERSON
JOHN BLANCHARD, SUPERVISOR

Tinicum Township Board of Supervisors Meeting Minutes October 1, 2019

Supervisors Rich Rosamilia, Jim Helms and John Blanchard were present with Township Manager Teri Lewis. There were approximately 19 people in attendance.

Chairperson Richard Rosamilia called the public meeting of the Tinicum Township Board of Supervisors to order at 7:30 pm followed by the Pledge of Allegiance.

A. Police

Chief Phelan, Tinicum Township Police Dept., gave the following report for September:

- 164 Incident Reports: 46% service calls, 30% traffic-related, 19% crimes/suspicious occurrence investigation, 5% court and/or training.
- Scams:
 - A local artist received a check for an online sale of a painting. The check amount was for several thousand more than the selling price. The buyer asked the artist to return the difference. A few days later the bank told the artist the buyer's check was no good. Phelan warned residents to be careful when selling online.
 - A resident received a garbled phone message regarding a subscription and stating that if she did not call back, her account would be automatically debited. Phelan said when the person calls back, they say they are working for your computer security and ask you for your log in so they can help you "fix an issue."
- Accidents: 2 reportable crash accidents, one involving a car and a motorcycle on 611 which resulted in serious injuries.
- PennDOT Updates:
 - Tractor trailer length restrictions recently posted for E. Dark Hollow Road, at the request of the Tinicum Police Dept., to help reduce problems occurring on the Golden Pheasant Bridge, appear to be working. Phelan said, no issues have been reported to date.
- Truck Detail: 6 unsafe trucks and one driver were taken out of service.
- School Safety Initiative: Improved communications and better accessibility measures were instituted at the elementary school.
- Upcoming Events:
 - First Responder Day at Wehrung's: October 5th – 10% of all sales proceeds will be donated to local first responders and the public has the opportunity to meet the first responders.
 - Drug Takeback at Wehrung's: October 26th – residents can drop off medications for safe disposal.

B. Old Business

River Road/Smithtown Rd Safety Concerns Update

Lewis said the Township had received approximately 18-19 emails from concerned residents and planned to send them with a letter from the Board to Representative Ullman. Lewis said that those who had sent emails/letters would be contacted and the letter would be placed on the website for the public to

view. She said the letter would also be sent to Senator Mensch, PennDOT Secretary of Transportation Leslie Richards, and Governor Tom Wolf.

Richard Balukas, River Road, first asked the Board what their strategy will be for working with PennDOT and Ullman to try to accomplish a reduction in speed limit, replacement of signage, marking the road, and installing electronic speed signs. Balukas asked, secondly, what the Board planned to do if these safety concerns failed to be addressed by PennDOT.

Rosamilia said, in answer to the first question, the Board will work with PennDOT, Ullman, Mensch, Wolf, and Richards to support them however needed. He said he was present during the LTAP [Local Technical Assistance Program] and each member of the Board has driven the road and looked at the sites. He said they have all been very involved and will continue to be very involved. Rosamilia asked Chief Phelan to address the second question.

Phelan stated that in 2017 the Township had asked PennDOT to restrict the speed limit in that area, but PennDOT denied the request based on their 85 Percentile Speed Limit Study, their assessment of the site distance, and their review of the crash data. Phelan said he had personally researched the crash data for the last 10 years and there have been a total of 11 crashes. He said it might seem like a lot for the people who lived there and were involved the crashes, but it was not a sufficient number to trigger PennDOT's "warrant" (a series of steps PennDOT uses to determine if action is merited).

Phelan stated there are two other ways to petition for speed limit reduction. He said the first one is called "Safe Running Speed," which involves PennDOT, or the expert they hire, to travel the roadway and record what they perceive as a "safe running speed" based on driveways, curves, etc. He said they do 5 runs in each direction and then come up with a speed limit.

Phelan said the second way is to get a "Residence District Classification" from PennDOT. He said this is what occurs in some of the villages along River Road such as Lumberville, Center Bridge and Point Pleasant. Phelan said the classification formula is determined by how much of the road frontage is developed, which is based on the density of the homes. He said if the homes are very close together it is considered a "neighborhood" and typically the speed limit would be 25 miles per hour.

Phelan said he plans to meet with Ullman on Monday (October 7th) to do a site visit and show her the areas that are of concern to the residents. He said he would emphasize that, despite the crash data, it makes sense to have PennDOT reconsider their decisions and try to prevent future accidents.

Rosamilia asked if the police force will participate in PennDOT's speed tests. Phelan said no, but he would ask. Phelan said he'd like to see the area from Bridge Three Lane up to Treasure Island be addressed. He said the unique characteristics of people crossing the road and multiple driveways should warrant PennDOT to look beyond the crash data and the 85 Percentile Speed Study.

Carol Baer, River Road, asked if Bridge Four and Bridge Five Lanes could be considered a "neighborhood" since there are many residents on each lane. Phelan said it is a unique situation and it could be argued that since these are "feeder roads" with a number of houses accessing the lanes, they should be factored into the formula.

Bob Riser, River Road/ Smithtown Road, said that in a one-mile area on River Road between just south of Bridge Three Lane to Treasure Island there are 20 driveways. He said the driveways are only the width of a vehicle and require the motorists to slow way down in order to turn in. Riser said Bridge Three Lane has 6 residents, Bridge Four has 15 and Bridge Five has 13 and all the lanes have poor site distances. Riser said all kinds of traffic travels River Road from large buses and horse trailers to motorcycle clubs and bicycles. He said a lot happens in a condensed area with blind curves and different elevations. He asked Phelan where he plans to take Ullman during the site visit.

Phelan said he intends to show Representative Ullman all of the site lines, some of the driveways, and the fact that there is no room for error on either side of the road with a cliff on one side and the canal guardrail on the other side. He said those unique characteristics should warrant PennDOT to reexamine the situation beyond just the crash data. Rosamilia suggested that Phelan also show Ullman Tinicum Creek Road, stating that it is very difficult to make a left onto River Road due to the site lines.

Bill Hamlin, River Road, said there are 50 to 75 motorcycles on the weekends, that are not traveling the road during the weekdays. He asked Phelan to please make that point to Ullman.

Joanne Lund, Bridge Lane Four, asked Phelan if they could include a weekend in the assessment, noting that it is very different traffic flow than midday on a Tuesday. Lund said that many neighbors could not get letters to the board yet and asked to expand the timeframe. She asked if nonresidents can submit letters to the Board. Rosamilia said yes, and they can also send letters directly to Ullman and copy the Board. Rosamilia said he wanted to get letter out to Ullman and the others as quickly as possible. Helms suggested that they include the letters they have to date, but continue to collect letters that can be forwarded in the future.

Cynthia Gasparee, River Road, said she did some research and found that PennDOT has a "Traffic Calming Handbook." Referring to the 85 Percentile Study, she said that it states that some municipalities have used a 5-7 miles per hour over the speed limit. She asked if the traffic speed in the study was more than 10 mph over the limit that they consider discussing it.

Gasparee said Harris stated that the Township did not want to take on the responsibility of painting [warning markers] on the road. She said PennDOT's handbook said that no municipalities had been sued or the suits have been dropped. Harris restated that the Township cannot expose itself to the liability for painting on PennDOT roads because it becomes immediately responsible for any accidents. Blanchard said at one time in the past the Township painted a crosswalk on River Road and PennDOT made them immediately remove it.

Helms said what they really need is 1) for the speed limit to go down and 2) for the state to pass legislation to allow speed radar enabling the police to enforce the 25 mile per hour limit. Helms said he did not believe painting the road would do anything to mitigate the problem in the long term. He said that Phelan's recommendations make the most sense and he would like to see the area classified as a "Village."

Sandra Wonsidler, Bridge Lane, asked to submit a letter from Judge Gambardella asking PennDOT to investigate the safety issues at the River Road/Smithtown intersection after her accident in 2012.

Rosamilia said he was looking forward to the meeting with Ullman and was optimistic about getting PennDOT to listen to Ullman. He said Secretary Richards would also be a big help in getting results.

Announcements:

Rosamilia announced the following:

- Proposed Ordinance 247: Critical Recharge Amendments
Rosamilia said that the Board had received recommendations from the Tincum Township Planning Commission (PC) but they have not received recommendations from Bucks County Planning Commission.
- Proposed Ordinance 248: Site Capacity Amendments
Rosamilia said that the Board had received recommendations from the Tincum Township Planning Commission (PC) but they have not received recommendations from Bucks County Commission.

C. New Business

Proposed Draft Ordinance 246: Sewage Amendments

Rosamilia summarized the amendments as follows:

- Eliminates the need for a Township septic permit to *repair an existing* standard, single-family, on-lot system. Submission of a copy of the Bucks County Health Dept. repair permit will still be required. Currently, the Bucks County Dept. of Health defines a "standard" on-lot system as a standard sandmound, or a conventional, in-ground system. The language changes are linked to the Health Dept. definitions. If a different type of system is added to their definition of "standard" in the future, then new amendments will be applied at that time.
- Eliminates the need for a Township septic permit to *install a new* standard, single-family on-lot system. Submission of a less involved Township Zoning permit to approve the location of the system and a Bucks County Health Dept. permit will still be required.
- Revises escrow requirements to decrease hardship for residents.

Rosamilia said most of these revisions are intended to make it easier for single-family home residents. He said much of the sewage management ordinance and multi-family, community, alternative systems, land development, commercial and subdivision sewage planning, will remain the same. Rosamilia said that once Bucks County and Township Planning Commissions comments are received, the changes will be presented to the public for comment.

Motion: to send Proposed Draft Ordinance 246: Sewage Amendments to the Tincum Township Planning Commission and Bucks County Planning Commission for review and comment.

Motion by: Helms. **Second by:** Blanchard. Voted upon and passed.

Tincum Conservancy Easement Purchase Request 2019-2

Norman McArthur, Tincum Township Land Preservation Chair, recommends that Tincum Township purchase a conservation easement on tax parcels 44-5-70, 44-5-72-2, 44-5-72 and 44-5-61. He said that the 23-acre property is located at 35 Clay Ridge Rd, Ottsville, PA and they are proposing a 2.5-acre building envelope. McArthur said the easement would allow for only one house to be built on the 4 properties. He said the parcels are mostly flat, great farmland soil, currently being farmed, and are adjacent to preserved property, making them highly ranked on the point system. McArthur said the proposed Township purchase price of 39% of the appraised value is \$107,933.00, plus closing costs. He requested that approval be subject to a 2-week public comment period beginning on October 1, 2019.

D. Regular Business

Announcement: 2020 Budget

Rosamilia said that the Tincum Township Board of Supervisors met on September 27th to begin discussion on the Township's 2020 budget. He said work sessions will be continued throughout the process until the budget is ready for adoption. He stated continuance dates will be advertised on the Township website. The Board agreed the next work session would take place on October 15th at 6 pm.

1) Minutes:

Motion to: approve the Minutes of the September 17th meeting as written.

Motion by: Rosamilia. **Second by:** Blanchard. Voted upon and passed.

2) Treasurer's Report & Budget Recap: The Treasurer's Report and Budget Recap for September will be available at the next meeting and will be posted on the bulletin board. Rosamilia said the Township was within the projected budget.

3) Payroll Report:

Motion to accept the Payroll Reports for the period ending September 13th in the amount of \$26,765.42.

Motion by: Helms. **Second by:** Blanchard. Voted upon and passed.

4) Disbursements:

| General Fund | Amount | Memo |
|----------------------------------|-------------|---------------------------------------|
| PMRS | \$2,333.05 | Police Pension Qtr. 3 |
| PMRS | \$15,839.02 | Police Pension MMO |
| PMRS | \$4,873.90 | Non-Uniform Pension Qtr. 3 |
| PMRS | \$5,773.66 | Non-U Pension Estimated Qtr. 4 |
| Pt Pleasant Fire Relief Assoc. | \$4,874.32 | Foreign Fire Funds |
| Up Black Eddy Fire Relief Assoc. | \$1,931.47 | Foreign Fire Funds |
| Del Val Fire Relief Assoc. | \$24,775.23 | Foreign Fire Funds |
| Ottsville Fire Relief Assoc. | \$16,532.60 | Foreign Fire Funds |
| VISA | \$846.94 | Police Laptop |
| Verizon Wireless | \$224.19 | Police Wireless |
| Gary Bickel's Garage | \$565.64 | Interceptor inspection and repairs |
| Allied Admin Delta Dental | \$833.89 | Dental Insurance |
| Grim, Biehn and Thatcher | \$462.00 | Ramelli adjudication |
| Courier Times, Inc. | \$133.65 | Public Notice Cond Use hearing |
| Keystone Municipal Services | \$1,300.00 | Bldg. insp. and reviews 8-26 thru 9-6 |

| | | |
|----------------------------|---------------|--|
| Intelligencer | \$228.60 | Subscription |
| Service Electric Telephone | \$404.55 | Telephone Service |
| Staples Credit Plan | \$247.21 | Office Supplies |
| Ricoh Americas Corp | \$315.70 | Copier Lease |
| Madden Mead | \$210.83 | reimbursement for police supplies |
| Aflac Business Services | \$280.04 | February Supplement Insurance withheld |
| Hartford Life Insurance | \$153.45 | Life Insurance |
| Tackett Planning, Inc. | \$3,887.50 | Zoning and Planning Services Sept |
| Internal Revenue Service | \$2,047.55 | Employer FICA tax |
| Payroll Fund | Amount | Memo |
| Pay period ended 9/13 | \$20,175.05 | Paychecks |
| Internal Revenue Service | \$4,718.23 | Employee FICA tax |
| Pa Dept of Revenue | \$821.69 | Employee State tax |
| State Fund | Amount | Memo |
| H & K Materials | \$686.88 | Asphalt Patch |
| Open Space Fund | Amount | Memo |
| Del Val Regional Finance | \$12,323.30 | Open Space Bond payment |
| Groundwater Fund | Amount | Memo |
| OI Analytical | \$1,063.27 | Repair of H2O Data Logger |
| Lennon's Small Jobs | \$65.00 | Replacement of repaired logger |

Motion: to accept the disbursements as written.

Motion by: Helms. **Second by:** Blanchard. Voted upon and passed.

5) Proposed Resolution 100119.02 Uniform Pension Plan

Rosamilia announced pursuant to Ordinance 108 of Tincicum Township, Bucks County, Pennsylvania, authorizing an amendment to the agreement dated March 7, 1989 between Tincicum Township and the Pennsylvania Municipal Retirement Board, in accordance with the Tincicum Township Police Contract, Item 22, Pension Retirement Benefits, approved the required member contributions in the amount of 3% to the Police Pension for the calendar year 2019 and allow the Township to waive or reduce member contribution in future years.

Motion: to resolve, the Board of Supervisors deems the State Aid sufficient to cover the Township's costs for the remainder of the calendar year 2019 and to waive the 3% member contribution for the fourth quarter, remainder of the calendar year 2019.

Motion by: Rosamilia. **Second by:** Helms. Voted upon and passed.

E. Zoning

Advertised Hearing for Proposed Ordinance 245: Fences Amendments

Lewis stated that Proposed Ordinance 245: Fence Amendments was advertised for adoption at the public meeting of October 1st, however comments were not received from Township or Bucks County Planning Commissions and the hearing would need to be continued to the next meeting.

Motion: to continue the Hearing for Ordinance 245: Fences to the next Board of Supervisors meeting on October 15th, 2019.

Motion by: Helms. **Second by:** Blanchard. Voted upon and passed.

Zoning Hearing Appeal 2-2019 of Anthony and Patti Pizzo from the action of the Zoning Officer and request for relief from the Zoning Ordinance front yard setback requirements. Hearing Date Nov. 14th. Rosamilia stated that the Board must decide to send this request to the Planning Commission for review and/or request Zoning Officer Tackett to attend the hearing. Township Solicitor, Steve Harris recused himself from the Hearing stating that he had represented the Pizzos in the past.

Anthony Pizzo, Tammany Road, stated he is a contractor and had recently purchased the property. He said he wanted to demolish an existing building and replace it with a new agricultural building in the same general location. He said he met with Zoning Officer Tracy Tackett who told him because the

existing building is located in the front yard setback it is considered a nonconforming structure and if he wanted to build a new building, he would have to move it out of the setbacks. Pizzo said he did not want to relocate the building, because he wanted to plant an orchard in the undisturbed area. Pizzo said that Tackett said that if he could rehab the existing building, he would not have to move it. Pizzo said he agreed to use the existing stone walls, but one of the walls fell down when he was demolishing other parts of the building. Pizzo said he discovered there was no rebar tying the walls into foundation and made the decision to take down the rest of the walls because he felt they were unsafe. He said since he had a permit to build the building there, he did not understand why it was now an issue.

Rosamilia said that the concern was that Pizzo did not contact Tackett to let her know about the wall collapsing or his decision to demolish the remaining walls. Rosamilia said it was stated on the permit that those walls were not to be removed. Pizzo said that was his mistake, but felt the footprint had not changed and he did not want leave up walls he thought were dangerous.

Lewis said according to the Township ordinance, once Pizzo removed the nonconforming structure of his own doing (as opposed to it being destroyed by fire or flood or condemned), he was now required to build conforming and move the building (out of the setbacks.) Lewis said that Tackett met with Pizzo, fully explained the situation to him, and that the demo permit Tackett issued specifically stated that he could not remove the walls. Lewis noted that Tackett was obliged to follow the ordinance and enforce the conditions stated on the permit.

Lewis noted that Pizzo's ZHB request was two-part: 1) to appeal the decision of the Zoning Officer, and 2) to grant relief to rebuild the structure.

Lewis stated that if Pizzo had contacted Tackett to let her know that the wall had fallen down, she could have sent the Building Inspector out to condemn the building. Lewis said because the Building Inspector could assess that the wall collapse was of no fault of Pizzo's, he could have been allowed to replace the building in the same place.

Lewis suggested that the Board did not have to oppose the requested relief to rebuild. She said a building had existed within the setbacks prior to demolition, and if it had simply fallen down, he would be permitted to rebuild it. Lewis said, however, the Board may want to send representation to defend the action of the Zoning Officer, as Tackett was in fact following the Zoning ordinance and had done her job correctly. Pizzo said Tackett had been very helpful.

Helms said he was not sure if the Building Inspector would be able to legally assert that the walls should be demolished, after the fact. Harris said that if the Pizzo withdraws the appeal, the Board could choose not to oppose the variance. Blanchard suggested they see if the Building Inspector could inspect and see if it could still be condemned. Blanchard said if the Building Inspector is able to condemn the building, Pizzo could withdraw his appeal and Pizzo could move forward without a variance. Pizzo said he would agree. Blanchard said if Building Inspector is not able to condemn the building then the request for relief would need to move forward and it will ultimately be the decision of the Zoning Hearing Board.

E. Miscellaneous

Tinicum Conservancy Easement Purchase Settlement Signing for Anderson

Motion: to authorize Supervisor James Helms to attend the settlement and sign the agreement of sale, on behalf of Tinicum Township, for conservation easement application #2016-1, 223 Headquarters Road, Erwinna, PA, TMP 44-015-064, on October 3rd, 2019.

Motion by: Rosamilia. **Second by:** Blanchard. Voted upon and passed.

Spotted Lantern Fly Control Update on USDA Actions and new information

Lewis said she met with a representative from the USDA, who told her they believe the Tree of Heaven is vital to the Spotted Lantern Fly (SLF) reproduction cycle. Lewis said that if you have the Tree of Heaven on your property and it is bigger than 6" in diameter the USDA will come out and treat the tree with pesticide; if the tree is less than 6" diameter the USDA will treat the tree with herbicide. Lewis said more information is available on the Township website and in the meeting room.

F. Public Comment

Tim Cashman, Quail Lane, said that the Board needs to get letters to Ullman and Mensch and ask them to work together to help get the Headquarters Bridge permits approved.

G. Executive Session

Supervisor Rosamilia recessed the regular meeting at 8:43 pm to discuss matters of land acquisition. Rosamilia recused himself from the discussion. Helms called the meeting back to order at 9:10 pm.

Helms announced that the Board discussed matters of land acquisition and agreed to grant permission to the Land Preservation Commission to pursue and speak with the land owners regarding application #2019-4.

H. Adjournment

Motion: to adjourn the meeting at 9:37 pm.

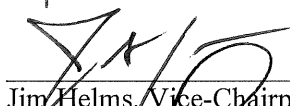
Motion by: Helms. **Second by:** Rosamilia. Voted upon and passed.

The next meeting of the Board of Supervisors is scheduled for October 15th, 2019 at 7:30 pm.

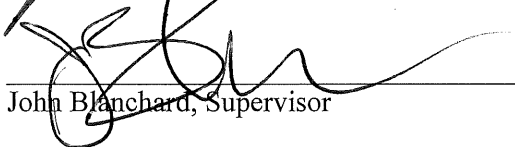
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