

Incorporated March 12, 1738

TINICUM TOWNSHIP

Bucks County

BOARD OF SUPERVISORS

163 Municipal Road
Pipersville, Pennsylvania 18947

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

Tinicum Township Board of Supervisors Meeting Minutes September 1, 2020

Supervisors Jim Helms, John Blanchard and Richard Rosamilia were present with Manager Teri Lewis and Township Solicitor Steve Harris. The meeting was held in the Township building meeting room. Masks and social distancing were required. There were approximately 7 people in attendance.

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

A. Public Comment Session

1) Concerns Regarding Activity on River Bank

Tim DeGroot, Tinicum Creek Rd, said there was a lot of traffic and activity every weekend on the bank of the Delaware River near Tinicum Creek where someone had installed a patio area, furniture, fire pit, stairs, rock walls and a rope swing. He said there was a lot of trash left behind. Blanchard confirmed what DeGroot described stating he had pictures on his phone. DeGroot said he talked to the Tinicum Police and the Delaware Canal and the area is owned by the Philadelphia Port Authority. He asked about limiting the parking on the road, noting they also access the river bank from the parking area south of the Golden Pheasant. Harris said the police should let those parking in the right-of-way or trespassing on the Port Authority property. Helms said that if someone were to get hurt, the Port Authority could be liable.

2) Concerns Regarding Tretton Wedding Venue

Michael McIntyre, Creamery Road, said he wanted to discuss issues with the Tretton wedding venue that will be reviewed by the Zoning Hearing Board on September 24th. He presented a petition signed by the owners of 17 neighboring properties located on Park, Creamery, Tohickon Valley, and Durham Roads that stated their concerns as follows:

- Alter the essential character of the neighborhood
- Negatively impact property values
- Increase safety risk of community residents
- Permanently negatively impact the land of the Tretton Farmstead and those near it

Ted Fahy, Park Rd, said he was very concerned about safety due to the potential increase in traffic on tertiary roads coupled with the possibility that attendees leaving the events may have been served alcoholic beverages. He said that the fact they are asking for so many variances strongly suggests that it is not the right the property this type of venue.

Helms thanked McIntyre and Fahy for their comments. He stated that the Zoning Hearing Board, as the quasi-judicial board that makes the decision, would be reviewing all of the requested variances. He suggested McIntyre and Fahy attend the hearing. Helms noted the area is designated as the Commercial district, which gives them the right to have some commercial use, even if all the variances are denied. Helms noted that zoning had been in place since 1971 and explained that the residential houses had to be granted variances to be built in the Commercial District. He added that

the Township is required to have an area designated for commercial use, otherwise commercial can be forced into any area in the Township. Harris noted that the entertainment use is a permitted use within the Commercial district, however the outside use requires a variance as well as the parking and septic.

Harris noted that the Zoning Hearing Board request for variances is only the first of three steps. He said the Trettons would also need Conditional Use approval for relief from overlays, as well as Land Development. Harris said that they had reviewed a number of limitations in terms of the number of attendees, duration of events, the type and length of music outside.

Blanchard stated that they are trying to work out the ability to have the hearing in person. Harris said that there is list of about 30 people. Harris noted that if the neighbor group had a spokesperson it might enable them to have an in-person meeting by reducing the number of attendees. He asked if there was a spokesperson for the neighbor group. McIntyre said that he would be the spokesperson. Harris said there were 3 weeks until the meeting and they were hoping to come to some solution.

Blanchard said the Trettons have indicated their willingness to work with the Township and the neighbors. Harris noted that the Trettons had asked to continue the hearing to be able to hear and address some of the neighbor concerns. Helms said that the website would be updated to let interested people know if the hearing would take place virtually or in person.

C. Old Business

1) Land Preservation Committee Recommended Conservation Easement Purchase

The Land Preservation Committee recommends that Tincum Township purchase a conservation easement on the following property:

- Owners/Applicants: William and Suzanne Barnhurst
- TMP: 44-007-046-002 and 44-007-045
- Location: 8 Sanctuary Hill Lane, Upper Black Eddy, PA 18972
- Size: +/- 20-acre property; a 2-acre Building Envelope is proposed.
- Proposed Township purchase price: \$26,568, plus closing costs, which is 24% of the appraised value of the development rights. The balance of the purchase price would be a donation by the landowner.

A two-week, public comment period commenced on August 18, 2020.

Motion to: approve the proposed Barnhurst Conservation Easement located at 8 Sanctuary Hill. TMP 44-007-046-002; 44-007-045

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

Motion to: authorize the Township Manager, Teri Lewis, to sign on behalf of the Township if a Supervisor is unable to attend the Barnhurst settlement.

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

D. New Business

1) Consideration of Installation and Maintenance Agreement for Kelsey Carney, 270 Durham Road

Harris explained that Carney had received a Bucks County Dept. of Health Sewage Permit, and Tincum Township Conditional Use approval, but had installed a septic system without obtaining a Tincum Township Sewage permit and signing an Operation and Maintenance agreement as required. He said, subsequently, Kelsey had obtained a Township Septic permit and signed an O&M agreement. Harris said that Carney will post a \$5,000 Maintenance Escrow, which will be returned to her after 3 years, less costs, if the system functions properly during the 3-year period.

Motion to: approve the Carney Installation and Maintenance Agreement and authorize Steve Harris, Township Solicitor, to sign and record the documents.

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

- 2) Pennsylvania Municipal Retirement Service (PMRS) Requirements for IRS Compliance
Helms stated that PMRS requests ordinance(s) to re-state and update both the Police and the Non-Uniform plans. The ordinances will be considered for adoption at the September 15th meeting. He noted there were no changes to the plans and that the documents are necessary for PMRS and IRS requirements.
- 3) 2021 Pennsylvania Minimum Municipal Obligation (MMO) as required by PMRS.
Lewis said that the Township's Minimum Municipal Obligation for 2020, as required by PMRS, necessitates that she estimates cost for both by the end of September. Lewis explained, that based on the PMRS cost formula, she then provides the Board with the estimated Minimum Municipal Obligation for 2020.

Motion to: confirm receipt of the memo and estimation of the Pennsylvania Minimum Municipal Obligation for the Tincum Township Uniform/Police defined benefit plan for the year 2021 with a required contribution of 3% for \$18,938.

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

Motion to: confirm receipt of the memo and estimation of the Pennsylvania Minimum Municipal Obligation for the Tincum Township Non-Uniform Defined Contribution Plan for the year 2021 as \$22,145.

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

- 4) Member Contribution Amount of 3% Required
Whereas, in accordance with the 1989 Uniform Pension Contract with Pennsylvania Municipal Retirement System, a member contribution in the amount of 3% will be required to assist the Township with funding for the plan.

Resolved by Helms, seconded by Rosamilia that Tincum Township, in accordance with the Police Contract, Item 22 Pension, Retirement Benefits, approves the requirement for member contribution in the amount of 3% to the Police Pension for the calendar year 2021. The Board reserves the right to amend/ revise the uniform Plan MMO worksheet if State Aid provides sufficient funding to cover the Township's costs. Voted upon and passed.

D. Regular Business

- 1) **Minutes:**
Motion to: approve the Minutes of the August 18th, 2020 meeting as written.
Motion by: Blanchard. **Second:** Rosamilia. Voted upon and passed.
- 2) **Treasurer's Report & Budget Recap:**
Helms stated the Treasurer's Report and Budget Recap for August will be available at the next meeting on September 15, 2020.
- 3) **Payroll Report:**
Lewis stated that there was no Payroll Report for this period. She said the Payroll Report would be available at the next meeting on September 15, 2020.
- 4) **Disbursements:**
Motion to: approve the below listed disbursements.
Motion by: Blanchard. **Second:** Helms. Voted upon and passed.

General Fund	Amount	Memo
Verizon Wireless	\$215.01	Police Wireless
VISA	\$160.24	Police - Supplies
Service Electric Telephone	\$398.90	Telephone Service All
Staples Credit Plan	\$235.79	Office Supplies
Plasterer Equipment	\$568.50	Starter- Emergency Generator
Blum-Moore Reporting Services	\$250.00	Stenography 17024
Blum-Moore Reporting Services	\$250.00	Stenography

Keystone Municipal Services Inc	\$1,428.00	Bldg. Inspection and Repair
Armitage Electrical	\$789.00	Repair
The Hartford	\$292.52	Life and STD
Open Space Fund	Amount	Memo
Del Val Regional Finance Assoc.	\$11,916.03	Open Space Bond Payment

E. Zoning:

- 1) Ordinance 252: Zoning Ordinance Clean Up for Zoning Codification
Helms stated that the Ordinance is currently under review by the Tincum Township Planning Commission and the Bucks County Planning Commission. He said that purpose of the ordinance is for clarification and to correct inconsistencies in the ordinance to move forward with Codification. He said that it was anticipated that they would receive a response in October.
- 2) Announcements: Zoning Hearing Board application ZHB 2020-4 The Tretton Farmstead
Request is for relief from various sections of the ordinance to allow the use of a barn for a wedding/event venue. The property located on 31 Creamery Road, Ottsville, is located in the Commercial District. TMP# 44-001-022-002. The hearing, originally scheduled for August 13th, was convened and continued to September 24th at 6:45 PM. Interested parties wishing to attend must email the Zoning Hearing Board Solicitor, Mary Eberle, at meberle@grimlaw.com, prior to noon the day of the hearing, to request an invitation to the remote meeting.

F. Roads and Bridges

- 1) Announcement: Headquarters Bridge Update:
Helms announced the United States District Court for the Eastern District of Pennsylvania ruled in PennDOT's favor and granted PennDOT's Motions for Summary Judgement for the lawsuit filed by the Delaware Riverkeeper Network. The Summary Order and the full Memorandum are available on the Tincum Township website at www.tincumbucks.org.

G. 2021 Budget Planning Work Sessions

Lewis asked the Board if they would like to begin preliminary 2021 budget planning. Helms said that the Board would continue the meeting to next meeting on September 15th at 4 PM.

H. Executive Session

Supervisor Helms recessed the regular meeting at 8:55 pm to discuss matters of personnel and potential litigation. Helms reconvened the meeting at 9:05 pm. There was no action to report.


I. Adjournment/Continuance:

Motion: to continue the meeting to September 15th at 4 PM for purposes of 2021 Budget Planning at 9:07 PM.


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

The next meeting of the Board of Supervisors is scheduled for September 15th.


TINICUM TOWNSHIP BOARD OF SUPERVISORS



Jim Helms, Chairperson



John Blanchard, Vice-Chairperson



Richard Rosamilia, Supervisor