

*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 November 17, 2020**

Supervisors Jim Helms and Richard Rosamilia were present with Manager Teri Lewis and Township Solicitor Steve Harris. Supervisor John Blanchard was absent. The meeting was held in the Tinicum Township building meeting room. There were approximately 20 people in attendance. Masks and social distancing were required.

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. Announcements**

Helms announced the following:

- 1) Recognition of Public Works Employee Roger Margot's 30 Years of Service  
The Board thanked Roger Margot for his 30 years of outstanding service to Tinicum Township and the community. Margot joined the Public Works Department in May of 1990. Helms presented Margot with a plaque commemorating Margot's dedication and commitment to maintaining the Township roads, bridges and parks.
- 2) Recognition of Public Works Director Doug Skelton's PA Dirt and Gravel Roads Re-Certification  
Doug Skelton, Public Works Supervisor, was recertified for the Pennsylvania's Dirt and Gravel Road Program, which focuses on providing the knowledge and tools for the environmentally-sensitive maintenance of unpaved roadways. As a result of the program, Skelton secured approximately \$300,000 in Bucks County grants to improve the Township's gravel roads and aid in protection of its streams. When added to the stimulus grant for dirt and gravel road improvements obtained by Skelton in 2010, the Township gravel road grants collectively total \$938,000. The Board expressed its appreciation to Skelton.
- 3) Recognition of Public Works for Recent Improvements to the Township Building  
The Board thanked the entire Public Works Department (PWD) for the improvements to the meeting room. Working with a limited budget, the PWD was able to give the room a fresh coat of paint, install a new floor and baseboard, and rework a post and beam.

#### **B. Police Report**

Helms announced that the Township has offered the official position of Tinicum Township Chief of Police to Nicole Madden and was pleased to report that she has accepted the job.

Chief Madden, Tinicum Township Police Dept., gave the following report for October:

- 119 Incident Reports: 54 service calls, 22 traffic calls, 29 crime-related calls, 6 court-related and 8 training.

- 3 Reportable Traffic Accidents:

- A single-vehicle accident occurred on route 113. A landscaping truck caught the edge of a ditch causing the vehicle to roll over and dump a load of sand.
- A four-vehicle accident occurred on route 611, caused by distracted driving.
- A single-vehicle accident involved a deer strike on 611, which caused substantial damage to the striking vehicle.

### C. Old Business

#### Land Preservation Committee Recommended Conservation Easement Purchase

Helms announced that the Land Preservation Committee (LPC) recommended the Township approval of an incentive grant for a donated conservation easement on the property of Richard Balukas, TMP 44-022-089-1 and 44-022-067, located at 421 River Road, Pipersville, Pa. 18947.

Helms stated that it is a +/- 24.5-acre property with a 2-acre building envelope. He said that the proposed incentive grant is \$19,000, plus closing costs. Helms said the LPC commended the landowner for the fully-donated conservation easement. He said the Board had approved a two-week public comment period at the last Board meeting on October 20, 2021.

Norm McArthur, LPC consultant, noted that the landowner was donating an additional 20-acre parcel that was not eligible for a Township grant, for a total conservation of 44.5 beautiful acres. Karen Budd, LPC member, stated that the easement was a great example of the joint work with the Township. She said the Township made it possible for the landowner to pay for the upfront costs and then the Conservancy, which designed the conservation easement, ensures that the landowners wishes are upheld in the future.

**Motion:** to approve the proposed incentive grant of \$19,000, plus closing costs, for a conservation easement on the property of Richard Balukas, TMP 44-022-089-1 & 44-022-067. A 24.5-acre property with a 2-acre building envelope located at 421 River Road.

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

McArthur said that he would provide the Township with the settlement costs and a future settlement date. He said that due to COVID-19 the LPC would not be able to attend the settlement.

**Motion:** to approve Resolution 111720.01 to authorize Township Manager Teri Lewis to sign settlement documents on behalf of the Tincum Township Board of Supervisors for the conservation easement on the property of Richard Balukas, TMP 44-022-089-1 & 44-022-067, located at 421 River Road.

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

### D. Regular Business

#### 1) Announcement:

The Board will vote on the 2021 budget at the December 1<sup>st</sup> Board of Supervisors meeting.

#### 2) Minutes:

**Motion to:** approve the Minutes of the October 20, 2020 and the November 6<sup>th</sup> Continuation Minutes meetings as written.

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

#### 3) Treasurer's Report & Budget Recap:

Helms stated the Treasurer's Report and Budget Recap for October is posted on the bulletin board.

#### 4) Payroll Report:

**Motion to:** accept the Payroll Reports for the periods ending October 23<sup>rd</sup> for \$24,748.00 and November 6<sup>th</sup> for \$25,534.46.

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

#### 5) Disbursements:

**Motion to:** approve the disbursements listed on the next page.

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

<b>General Fund</b>	<b>Amount</b>	<b>Memo</b>
Campbell Durrant PC	\$300.00	Legal Services October
Service Electric Telephone	\$394.60	Telephone Service
Staples Credit Plan	\$503.65	Office Supplies
Seaton, Gregory and Jacobs, Anita	\$500.00	Refund of Zoning Hearing Continuance Fee
Parson's Plumbing and Heating	\$1,424.00	1/3 Start Plumbing Repairs
Aflac Business Services	\$420.06	Supplemental Insurance (withheld)
Witmer Public Safety Group, Inc.	\$3,072.24	Firearms Police
Verizon Wireless	\$215.05	Police Wireless
Keystone Municipal Services Inc	\$1,802.00	31727 Bldg. Insp and Review
Ricoh Americas Corp	\$154.00	Copy Machine Service Contract/Lease
Parson's Plumbing and Heating	\$1,424.00	Second installment Plumbing Repairs
Parson's Plumbing and Heating	\$1,424.00	3rd and final Bathroom Repairs
Reynolds Business Systems	\$3,749.60	Evidence Locker Compliance
Gary Bickel's Garage	\$102.50	Inspection Services
NAPA of Ottsville	\$355.18	Police Fleet - Parts/ Filters / Oil
Met-Ed	\$31.62	Electricity Traffic Light
Met-Ed	\$23.78	Electricity -Park
Met-Ed	\$212.72	Electricity Police and Admin
Met-Ed	\$125.32	Electricity PWD
Personal Protection Consultants	\$1,196.00	Certification / 1/2 reimb
WEX, Inc	\$993.25	Police Fleet Fuel
Tackett Planning, Inc.	\$4,272.50	Zoning and Planning Services
Campbell Durrant PC	\$585.50	Legal Services
Allied Administrators for Delta Dental	\$761.33	Dental Insurance
PennTeleData	\$180.21	Internet Modems
Ricoh Americas Corp	\$93.00	Copier Lease
Davidheiser's	\$74.00	Calibration - Police
Staples Credit Plan	\$19.15	Police Supplies
Hartford Insurance	\$292.52	Life and STD Insurance
VISA	\$608.27	Mtg Room Floor Supplies
Harris and Harris	\$3,054.00	Legal Services October
ReadyRefresh	\$85.40	Bottled Water
H.A. Thomson, Risk Management	\$1,006.00	Treasurer Bond
Courier Times, Inc.	\$357.78	Legal Notices Christman CU
Keystone Municipal Services Inc	\$2,057.00	31797 Bld Insp and Plan rev 10-20-10-29
Grim, Biehn and Thatcher	\$739.50	ZHB Services
Internal Revenue	\$1,893.24	Employer FICA Tax
Internal Revenue	\$1,920.25	Employer FICA Tax
<b>Payroll Fund</b>	<b>Amount</b>	<b>Memo</b>
Pay period ending 10-23-20	\$23,831.69	Paychecks
Internal Revenue Service	\$4,208.32	Employee FICA Tax
Pa Dept of Revenue	\$759.75	Pa Wage Tax
Pay period ending 11-6-20	\$19,432.22	Paychecks
Internal Revenue Service	\$5,033.58	Employee FICA Tax
Pa Dept of Revenue	\$888.92	Pa Wage Tax

<b>Capital and Equipment Fund</b>	<b>Amount</b>	<b>Memo</b>
Mark Compas	\$2,368.15	Reimbursement - F150 Truck Cap
Wehrung's	\$3,994.75	Building Improvements
<b>Open Space Fund</b>	<b>Amount</b>	<b>Memo</b>
Del Val Regional Finance Assoc.	\$11,916.03	Bond Payment

6) Pennsylvania Municipal Retirement System Uniform Pension Plan

**Motion:** to approve Resolution 111720.02 to Waive Member Contributions of 3% to the Tinicum Township Police Pension plan for the 4<sup>th</sup> quarter 2020 as State Aid was sufficient to cover the municipal obligation.

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

**E. Announcements**

Helms announced the following:

- 1) 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, TMP# 44-001-022-002, is located at 31 Creamery Road, Ottsville, in the Commercial District. The second continuance hearing was held on November 12<sup>th</sup>. The Zoning Hearing Board will deliberate on November 23<sup>rd</sup>.
- 2) Red Hill Road Repair/ Re-pavement  
Helms thanked PennDOT on behalf of the Board and the Township for repairing the section of Red Hill Road that had fallen into considerable disrepair. He said Lewis had done a great job working with PennDOT and noted that the new representative from PennDOT had been very helpful.

**F. Miscellaneous**

Helms announced that after 20+ years of Tinicum Township acting as the holder of the pass-through account for the Bridgeton-Nockamixon-Tinicum Groundwater Committee (BNT), the Board requested that Bridgeton or Nockamixon Township assume the administrative duties for the account by the end of February 2021.

**G. Executive Session**

Supervisor Helms recessed the regular meeting at 7:51 PM to discuss personnel and legal matters. Helms reconvened the meeting at 7:59 PM. There was no action to report.

**H. Appeals**

1) Advertised Conditional Use Hearing for Application CU#2020-1 Ronald Christman

Steve Harris stated the following:

- Property owner Ronald Christman was seeking approval to install a deer fence for a non-agricultural use within the front yard setback, 18-20 feet from the Dark Hollow cart way and within the side yard setback, 18 feet from the Municipal Road cart way.
- The property, TMP# 44-022-004-001, is located at 240 E. Dark Hollow Road, in the Residential Agriculture District.
- Christman was represented by William Benner, Esquire.

Benner requested that the application and attachments be made part of the record, including a site plan and a landscape report from David Hughes that provided justification for the deer fence.

Benner stated that the Planning Commission had recommended approval with the following two concerns:

- The fence location could interfere with sightlines. In response, Benner said that the Road Master, Doug Skelton had determined the fence location would not impair sight lines.

- The fence traverses a tributary. In response, Benner said Christman hired Jason Mease, PWS, Valley Environmental Services, Inc., to conduct a waterway survey and concluded it was primarily a drainage channel for run-off.

Christman was sworn in and testified that he had removed all invasive species from his woodland to achieve a more naturalist approach for birds. He said the fence would allow for the understory to regrow and prevent damage from the overpopulation of deer in the area.

There was extensive discussion as to the exact location of the proposed fences and the ordinance standards and definitions concerning fence location and different types of right-of-way.

David Upmalis was sworn in and stated that he wanted to make one comment as a member of the Planning Commission (PC) and a second comment as an individual. He said as a PC member, there was confusion regarding the pink flags on the trees on the property and that the distances to the legal and ultimate right-of-ways were inaccurate. Speaking as an individual, Upmalis said he was concerned that the fence was too close to the edge of the road and did not leave enough room for the deer to move along the road and if panicked could force them onto the road.

Helms asked the applicant to provide a revised plan that more accurately indicated and better defined the property lines, right-of way lines, ultimate right-of-way lines, the building envelope lines and the fence lines. He said the Board would revisit the Conditional Use at the next hearing. The Board continued the Hearing to December 1<sup>st</sup> at 7:45 PM.

**Motion:** to continue the Conditional Use Hearing for Application CU#2020-1 Ronald Christman to the Board of Supervisors Meeting on December 1<sup>st</sup> at 7:45 PM.

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

2) Advertised Zoning Hearing Board Application ZHB#2020-5 John Ferrari

Request is for relief from the 1998 Zoning Hearing Board Decision (#ZHB1998-3), which granted construction of a barn in the setback for the purposes of storage, to now allow the use of the barn as an accessory dwelling. TMP #44-022-044 is a 1-acre property located at 13 Tory Road in the Residential Agriculture District. The Hearing is scheduled for December 10<sup>th</sup> at 7 PM.

Mike Peters said he represented John Ferrari. Peters said that when the Ferrari's purchased the property the storage area had already been converted to a residential accessory dwelling with a bedroom, living area and kitchenette. He said that the Ferrari's were uninformed of the restrictions on the barn until their son and his family stayed with them and they received a Notice of Violation.

Peters said that, in addition to the request for use by family and friends, the Ferraris also wanted approval for caregivers. Peters said that upon review, the Planning Commission had recommended the following four conditions: 1) approval by the Department of Health, 2) a Certificate of Occupancy, 3) agreement to not develop the lower part of the barn, and 4) deed restrictions imposed regarding short- and long-term rental agreements.

Peters said that the Ferraris had begun to meet the four conditions. Jackie Ferrari said that they had contacted the Dept. of Health to inspect the septic system and had contacted an engineering firm to conduct a structural study of the building to ensure the renovations meet building code requirements.

Rosamilia said he would recuse himself from making a decision to send a representative to the Zoning Hearing Board to oppose the application because he knew the Ferraris. Helms said because Supervisor Blanchard was absent, they would postpone the decision until December 1<sup>st</sup> Board of Supervisors Meeting.

## I. Public Comment Session

Rob Galdo, Springer Farm Lane, said he lived in a development and was concerned about the size and placement of a pole barn being built on his neighbor's property. He said that the building had impacted his line of sight to the road, his property value and his view.

Galdo requested that the neighbor's pole barn be moved away from his property line. He said that in 2008, the subdivision had been granted exceptions for flexible development and referenced Ordinance 103, [Ordinance 103 was adopted in 1993 to "establish an optional process allowing greater flexibility in development design to encourage more sensitive 'density-neutral' layouts that are more harmoniously designed to preserve open space and the Township's essentially rural character and criteria for common opens space."] Galdo said he was concerned that the number of exceptions and the flexibility being allowed through Ordinance 103 would lead to excessive development.

Helms asked Tracy Tackett, Zoning Officer, to address the issues. Tackett said there were three lots in the development with a shared lane. She said that these lots were part of a flexible development established in approximately 2006. Tackett said that the Ordinance 103 standards were taken into account during the initial subdivision application and development planning with the Township. She said that within the original 22-acre property, the developer preserved 12 acres in open space. Tackett said that in exchange they consolidated three smaller-sized lots, with reduced setbacks and a shared lane, thereby "clustering" the development rather than spreading it out over the 22-acres. She noted that Galdo was in the middle of the three lots.

Tackett said that the neighbor had applied for and received a permit to build a pole barn. She said the barn had been shown on the original 2008 site plan, when the house was originally built. Tackett noted that the original barn was a 1,200 square foot barn. She said the owner did not have the funds to build it at the time, but now had the funds. She said that the neighbor had reduced the size to 960 sq. feet, but that it was closer to Galdo's property line than shown on the original site plan. Tackett said she had gone to the site and concluded that it was still within the allowable setback. She said she understood Galdo's frustration since the barn was within his viewshed, and found it odd that the homes had been positioned looking down on each other rather than at the open space, but said the original intent was to preserve the 12 acres of open space.

Tackett said that the original stormwater plan had taken into account the area where the pole barn was being built, which was on an existing parking area so no new impervious had occurred. She said 13% impervious was allowed and her calculations showed 8½% impervious with the house, barn and driveway.

Galdo asked that the Ordinance 103 flex plan be revisited with respect to setbacks and a formula for size and location be developed. He said that no one took into account the impact to the sight of vision on the lane and the impact on the views. Galdo said that in the future, adjoining parcels should be notified and site inspection take place prior to construction.

Harris said the Township must abide by the ordinances and cannot tell people to move buildings farther back than the allowable setbacks. Tackett said that cluster plans did offer advantages including protecting swaths of land, but that more could be done with landscaping to protect the views. Helms that the Board could consider reviewing cluster development in 2021.

## J. Zoning

### Ordinance 252: Zoning Ordinance Clean Up for Zoning Codification

Tackett said the Township had received comments from Bucks County Planning Commission (BCPC), relating to medical marijuana dispensaries and parking for convenience stores. She said a section had been added for Industrial Parks in the Planned Industrial District to allow 30% impervious as was discussed with the Board in early 2020. She said this version was sent back to the BCPC for review and anticipated that they would respond in early December. Tackett recommended that the Township advertise for December 15<sup>th</sup>.

**Motion:** to advertise Ordinance 252 Clean Up for Zoning Codification.

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

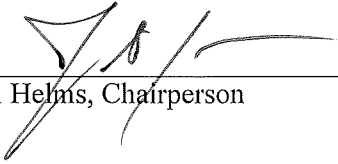
## K. Adjournment

**Motion:** to adjourn the meeting at 9:20 pm.

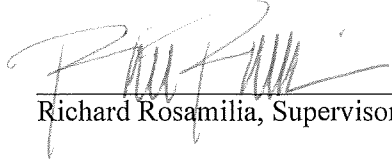
**Motion by:** Helms. **Second:** Rosamilia. Voted upon and passed.

*The next meeting of the Board of Supervisors is scheduled for December 1, 2020.*

**TINICUM TOWNSHIP BOARD OF SUPERVISORS**

  
\_\_\_\_\_  
Jim Helms, Chairperson

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John Blanchard, Vice-Chairperson

  
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Richard Rosamilia, Supervisor