

Incorporated March 12, 1738

TINICUM TOWNSHIP

Bucks County

BOARD OF SUPERVISORS

163 Municipal Road
Pipersville, Pennsylvania 18947

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

Tinicum Township Board of Supervisors Meeting Minutes September 7, 2021

Supervisors John Blanchard, Jim Helms and Richard Rosamilia were present with Manager Teri Lewis and Township Solicitor Steve Harris. The meeting was held in the Tinicum Township building meeting room. There were approximately 30 people in attendance.

Chairperson John Blanchard 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

Blanchard announced the following:

- The public comment period will be held at the end of the meeting.
- Prior to the meeting, the Board held an executive session from 7:00 pm to 7:25 pm to discuss matters of pending litigation.

B. Emergency Declaration

Disaster Emergency Declaration: Hurricane Ida

Motion: to enact the Declaration of Disaster Emergency for Hurricane Ida, which occurred on Sept. 1, 2021.

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

C. Fire Police Requests

Motion: Motion to authorize any and all Fire Police to assist the Doylestown Fire Company and Central Bucks Regional Police Department with traffic and crowd control at the Bucks County Classic Professional Bike Races scheduled for Sunday, September 12, 2021 in Doylestown Borough.

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

Motion: Motion to authorize any and all Fire Police to assist the Borough of Quakertown with traffic control and pedestrian traffic at the Quakertown Halloween Parade on Sunday, October 17, 2021.

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

Motion: Motion to authorize any and all Fire Police to assist the Nockamixon Board of Supervisors with Palisades High School home football games.

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

D. Old Business

Tretton Farmstead Draft Settlement Agreement Review

The Board had rescheduled their review of a draft settlement agreement between the Trettons and Thomas McIntyre to take place at this September 7th meeting. Harris explained that Tretton and McIntyre had come to a settlement agreement concerning a proposed wedding venue at 31 Creamery Road and as a party to the appeal the Township would review the agreement.

Blanchard said the Board had recently been informed that an appeal had been filed regarding the Tretton Zoning Hearing Board (ZHB) decision and consequently the Board would table their review until the appeals court made a decision. Blanchard stated however, that the preliminary review indicated that the agreement would overrule the three variances that were denied by the ZHB and the Township was not inclined to override the decisions of the ZHB.

Daniel Lyons, attorney for the Trettons, said that the ZHB had effectively withdrawn from the appeal but they were willing to bring the ZHB back into the discussion of the agreement to quell any concerns about overruling the ZHB decisions.

E. Regular Business

1. Budget Recap and Treasurer’s Report

The Budget Recap and Treasurer’s Reports for August will be available at the next meeting of the Board.

2. Minutes

Motion: to approve the August 17th, 2021 minutes as written.

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

3. Payroll Reports

Motion: to accept the Payroll Report for pay period ending August 27th in the amount of \$27,674.10.

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

4. Disbursements:

Lewis announced that Public Works had received a new F350 Truck to replace a 1999 F350.

Motion: to approve the following disbursements.

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

General Fund	Amount	Memo
Keystone Municipal Services Inc	\$ 3,530.50	Bldgs. & Zoning Services 7-27 thru 8/5
Davidheiser's	\$ 70.00	Calibration
Uniform Gear	\$ 875.00	Bullet Proof Vest
Uniform Gear	\$ 545.96	Uniform Supplies
Verizon Wireless	\$ 215.15	Police Wireless
Service Electric Telephone	\$ 425.54	Telephone Service
Staples Credit Plan	\$ 159.75	Staples Credit Plan
Help Now	\$ 71.25	Consulting - serv tickets 1089306 1089357
Allied Administrators for Delta Dental	\$ 761.33	Employee Dental Insurance
Gannett Holdings - Ohio	\$ 182.20	Intell Subscription 6 months
Ehrlich Green Team	\$ 630.00	Annual Service - Police Dept
Keystone Municipal Services Inc	\$ 4,194.50	Building & Zoning Services 8/10 - 8/19
Hartford Insurance	\$ 343.44	Life and STD
PennTeleData	\$ 316.55	Internet Modems
Merry Maids	\$ 115.00	Janitorial Service 8-23-21
VISA	\$ 47.87	OSI Batteries (backup batteries - IT)
State Fund	Amount	Memo
Chapman Ford of Horsham	\$ 73,280.00	F350 Public Works Utility Vehicle
Park and Recreation Fund	Amount	Memo
Campbell Paving	\$ 285.00	Rubber for Sealing at Four Brooks

F. Conditional Use Advertised Hearings

1. Conditional Use #2021-04 Balascio/Piper

- The 2.1-acre property is located at 201 Municipal Road, Pipersville, PA.
- Tax Map Parcel 44-014-026-002 and zoned Residential Agriculture.
- Property Owner: Tyler and Nina Piper
- Agent: John Balascio (absent)
- Applicant requests exemption from Ordinance 246 Sewage Management Ordinance, Section 124.A.1 for a replacement area for a micromound septic system.

Tyler Piper was sworn in. A stenographer was present. Piper said that he was the new property owner and the previous owner, John Balascio, who was not in attendance, had submitted the application. Tyler said the inspection showed the septic system was failing, but did not know any details concerning the septic survey or the availability of alternative septic sites. Blanchard recommended they continue the hearing until Piper was able to obtain the septic survey information.

The Board continued the hearing to the next Board of Supervisors meeting on September 21st.

2. Conditional Use #2021-05 KFS Properties, J LLC/Knowles

- The 19.1-acre property is located at 50 East Dark Hollow Road, Pipersville, PA.
- Tax Map Parcel 44-014-026-002 and zoned Residential Agriculture.
- Property Owner: Janet Knowles
- Attorney: Dan Lyons
- Engineer/Architect: Bob Irick
- Applicant proposes a subdivision of land to establish one additional building lot and requests conditional use for a Qualified Improvement to build a single-family home, driveway, septic system and well in the following Overlay Districts in accordance with Zoning Ordinance Article VIII, Sections: 806(i)(4) Prime Farmland and Agricultural Soils, 806(g)(3)(iii) Woodland and Hedgerow, Scenic Resources 806 (k)(iii), and 806(h)(2) Critical Biodiversity, Steep Slope and riparian buffer.

Harris noted that the second story of the house would be a residence and the first story would be a stable. Lyons stated that the first lot would be 8.84 acres and the second lot would be 10.27 lot.

Janet Knowles, her daughter Diane Lynam, and Bob Irick were sworn in. A stenographer was present.

Knowles gave testimony regarding the property as follows:

- There is an existing house on the property.
- Diane Lynam, Knowles's daughter, would be moving to the proposed house/stable.
- Knowles takes in rescue horses and provide a "forever home" through her rescue foundation. Knowles is financially responsible and her daughter provides the care for the animals.
- The rescue animals include 3 aged horses, 2 aged mini horses and 3 mini donkeys that would be maintained as pets with no plans to expand the number of livestock.
- There would be no commercial activities on the property.
- There will be movable run-in sheds and a pasture located on the property.
- Manure management would be handled through a manure removal company.

Irick reviewed the specific conditions as stipulated by the Township Engineer, Tom Fountain, in a memo dated August 31, 2021 regarding the Conditional Use application. He provided testimony regarding placement of pasture and house/stable. Irick reviewed how the Critical Biodiversity, Woodland/Hedgerow, and Prime Farmland Overlay districts would be impacted and that the Planning Commission had approved the use. He confirmed that by extending the building setbacks away from E. Dark Hollow Road automatically protected the areas of steep slopes, scenic resources and riparian buffer from any disturbance.

Harris recommended the Board take the Conditional Use under advisement and defer their decision to the next meeting so that any conditions could be put in writing. The Board agreed to defer their decision and consider the subdivision. Knowles agreed to extend the minor subdivision review until the next Board of Supervisors meeting on Sept. 21st.

Motion: to continue the KFS Properties Conditional Use and Subdivision to the September 21st Board of Supervisor meeting.

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

H. Zoning

1. Zoning Hearing Board #2021-05 Doenges scheduled for September 9th
 - The property is located at 3724 Farm School Road, Ottsville, PA.
 - Tax Map Parcel# 44-036-021 and is zoned Village Center.
 - Applicant requests a variance from the side yard setback regulations to construct a pole barn/garage.
2. Zoning Hearing Board Application #2021-06 Watson scheduled for Sept. 23rd and Conditional Use #2021-02 Watson scheduled for Nov. 16th
 - The property is located at 25 Tammany Road, Upper Black Eddy, PA.
 - Tax Map Parcel 44-006-017 and is zoned Residential Conservation.
 - Applicants request a variance to allow installation of a rain garden for Stormwater Management in the Wetland and Wetland Margin Overlay.
3. Zoning Hearing Board Application #2021-3 Davidson scheduled for October 14th
 - The property is located at 72 Walters Lane, Pt. Pleasant, PA.
 - Tax Map Parcel 44-033-013-005 and is zoned Residential Agriculture.
 - Applicants seek variances from:
 - The Floodplain Overlay District and Riparian Corridor District to build a septic system.
 - The side yard setback to construct a single-family dwelling and deck and on-lot septic system.

I. Subdivision/ Land Development/ Conditional Use

The Land Development Preliminary Plan and Conditional Use #2021-03 of Spinieo Industrial Holding, LLC scheduled for Sept. 21st

- The property is located at 3632 Bedminster Road, Ottsville, PA.
- Tax Map Parcel #44-011-008-003 and is zoned Planned Industrial.

J. New Business

1. Consideration to Repeal Ordinance 185: Dirt Road Signage and Weight Limits Overview

Ordinance 185 (enacted in 2008) established seasonal weight and width restrictions for vehicles utilizing Township roads with 50% or greater dirt and gravel surfaces.

The Board previously discussed repealing Ordinance 185 as follows:

- In most cases, the trucks on the dirt roads were waste haulers or delivering goods or services to and from the dirt roads residents.
- The Township cannot prevent services to be delivered to the residents it is unable to enforce the ordinance. The police have represented there have been no issues.
- Signs must be posted at the entrance of every road that enters onto the dirt road, pursuant to Section 4902 of the Pennsylvania Vehicle Code, noting the seasonal weight limitations. These signs have now deteriorated and must be replaced. The cost to replace the signs is approximately \$8,000.

Damon Aherne, River Road, said the Township had done a study at the time the Ordinance was enacted expressing the cost to the Township of the oversized trucks and recommended the Board review it before they revoked the Ordinance.

Helms said the trucks are providing local services such as oil delivery and trash pickup to the residents. Rosamilia said these roads were substantially resurfaced since 2008, it was impossible to enforce the ordinance and the road crews have not seen any appreciable difference in the road surface as a result of the trucks on the road.

Lewis stated that Doug Skelton, Public Works Director, had brought it to the attention of the Board because the signs needed to be replaced at a cost of \$8,000 and the police department said they are not able to enforce the ordinance. She said Skelton said it could impact the Township's liquid fuels allotment if they do not replace the signs as required by the state.

Motion: to table the discussion concerning repealing Ordinance 185 until the next meeting of the Board of Supervisors on September 21, 2021 pending further review of any previous studies from the Township Engineer and a better understanding of the repercussions if the signs are not replaced. Motion by: Blanchard. Second by: Helms. Voted upon and passed. Rosamilia did not vote.

2. Land Preservation Committee Appointment

Motion: to appoint John Cole to the Land Preservation Committee. Motion by: Blanchard. Second by: Helms. Voted upon and passed.

3. Microplastics Ad Hoc Committee Appointment

Motion: to appoint Eleanor Breslin and Marion Kyde to the Microplastics Ad Hoc Committee. Motion by: Blanchard. Second by: Rosamilia. Voted upon and passed.

4. 2022 Pennsylvania Minimum Municipal Obligation (MMO)

Motion: to confirm receipt of the memo and estimation of the MMO for the Tincum Township Non-Uniform Defined Contribution Plan for the year 2022. Motion by: Helms. Second by: Blanchard. Voted upon and passed.

Motion: to confirm receipt of the memo and estimation of the MMO for the Tincum Township Uniform/Police defined benefit plan for the year 2022. Motion by Helms. Second by Rosamilia. Voted upon and passed.

Be it resolved by Blanchard and seconded by Helms that Tincum Township, in accordance with the Police Contract, Item 21 Pension, Retirement Benefits, approves the requirement for member contribution in the amount of 3% to the Police Pension for the calendar year 2022. 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.

K. Public Comment

Tretton Wedding Venue

John Cole, Planning Commission (PC) Member, said in reference to the earlier discussion concerning the Tretton – McIntyre Settlement Agreement, that he did not understand why the Zoning Hearing Board (ZHB) was not participating in any court or settlement agreements. He said he believed that the plan presented to the ZHB as having been reviewed by the PC was not the same plan the PC had reviewed. Cole said there are serious safety concerns regarding the plan and that the use overwhelmed the venue capacity. He said he did not understand how the ZHB decisions were not being upheld or why the Township was involved.

Helms explained that the Tretton plan must first go before the ZHB and obtain the requested variances. Helms said although the PC reviewed and commented on the initial plan, the plan placed before the ZHB

would specifically pertain to the requested variances. He noted that three of the six variances requested were denied.

Helms explained that after the ZHB review, the Tretton plan must go before Land Development, which would be the official plan and would address all the issues as well as the variance determinations. Helms stated that the PC would have the opportunity to review the plan during Land Development.

Harris said that it is not uncommon for the municipality to defend the appeal instead of the Zoning Hearing Board. He said that based on the Board's decision not to agree to the Tretton - McIntyre Settlement Agreement, he would participate in the appeal and write a brief.

Tom Casola, ZHB alternative member, said the decision to not have the ZHB participate in the appeals is not a decision that takes place amongst the ZHB, it is often handled post hearing by the attorneys. He said that the ZHB stands behind its decisions and felt strongly that the Tretton proposal overwhelms the site, is not appropriate for the level of intensity for the use and that was why the variances were denied. The Board said they would not circumvent the ZHB through a side agreement and would not sign it. Helms said that the court prefers a settlement and that the Township as a party must review any settlement. He said it is part of the process, and while it was legally possible, the Board would not circumvent the ZHB.

Headquarters Bridge Status

Tim Cashman, Quail Lane, thanked Rosamilia and Skelton for coming out to Sheephole Road to review his concerns about the conditions of the road and the ability to pave it. He said that he now has better understanding of the restrictions of the environment. Cashman said he recently spoke to Bruce Wallace and conveyed to him that they need to work together as a community to get a two-lane bridge, a one-lane bridge or a one-lane bridge with a bike trails. He asked Rosamilia if there had been any update from PennDOT. Rosamilia said he spoke to Ryan Whittington, who said that things are still in discussion with the Army Corp. and DEP attorneys, which has been the case for the last two years.

Rosamilia proposed a different way to approach the situation. He said that according to PennDOT, building a two-lane bridge would cost approximately \$3 million with most of the financing coming from the federal government because a two-lane bridge meets their standards for funding. Rosamilia said PennDOT had been willing to build a one-lane bridge, which would cost approximately \$2.5 million, if Tincum Township would take ownership of it and pay to maintain it. Rosamilia said the Delaware RiverKeeper Network (DRN), will only accept a rehabilitation of the existing bridge and people involved with the DRN estimated the rehabilitation cost to be approximately \$1.5 to \$1.6 million.

Rosamilia said if PennDOT would be willing to sign off on a less costly rehabilitation design and give the difference to the Township to pay for maintenance that might be a solution. He said if PennDOT would agree to spend the \$1.5 million on the rehab and provide \$600,000 to the Township for maintenance, PennDOT would save approximately \$400,000 on the project, which would provide an incentive for them to reconsider rehabilitation. He said he hoped the DRN would also agree because it would be a rehab of the bridge and they would drop the lawsuit against PennDOT.

Flash Flooding Damage from Hurricane Ida

Vladimir Salamun, Headquarters Rd, said the Township would benefit from a stream maintenance crew that would remove logs from properties along the stream beds to prevent damage to bridges during flash flooding rather than spend money on an additional police officer. Salamun said that when PennDOT removes fallen trees along Headquarters Road they throw them in the creek.

Rosamilia said Salamun should alert the PA Dept. of Environmental Protection (DEP) if PennDOT was throwing trees into the creek. Blanchard said the creeks run through private property and a creek maintenance crew cannot simply access someone's property without the permission of the property owner. Helms said that it was up to the individual property owner to take care of their property. He suggested that Salamun document logs upstream. Helms noted it was also a very severe storm.

Dave Lipton, Ridge Valley Road, said that the Township should require the power companies to remove and chip up the trees rather than leave the logs and branches on the properties.

Lewis said that when PennDOT, Met-Ed or Public Works removes a tree from the road they cannot take the wood, because the tree belongs to the property owner who may want it for firewood.

Shawn Sanders, McCann Dr., said he works for a utility company and they will not take the wood because of the ash borer beetles and spotted lantern flies. He said there are quarantines in every county across eastern Pennsylvania. Sanders said they must inspect the trucks to be sure there are no insects on them. He said they cannot take the wood and transport it anywhere. He said that it has always been the property owner's responsibility; the utility company is only responsible for removing the branches and trees from the wires.

Anita Nolan, McCann Dr., said that Sheep Hole Road is destroyed and asked what is going to happen with it as it further restricts her travel. Lewis said that all the dirt roads had been damaged by Hurricane Ida. She said that Public Works is working as quickly as possible. She said that it would take time to repair Sheephole Road due to the extent of the damage.

L. Executive Session

Blanchard recessed the regular meeting at 10:15 pm to discuss matters of personnel and potential litigation. Blanchard reconvened the meeting at 11:15 pm. There was no action to report.

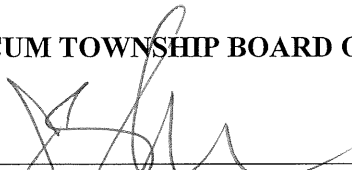
M. Adjournment

Motion: to adjourn the meeting at 11:16 PM.


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

The next meeting of the Board of Supervisors is scheduled for September 21, 2021 at 7:30 PM.

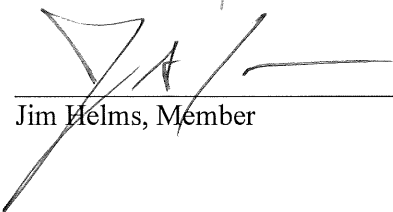
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