

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 November 16, 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 26 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:

- Prior to the meeting, the Board held an executive session from 7 to 7:30 PM to discuss personnel matters.
- The public comment period would be held at the end of the meeting.
- The Board thanked Walter's Nursery for their generous donation to the Township and the taxpayers of landscaping design, shrubbery and installation at the Township building.

B. Emergency Services

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

- 76 Incident Reports: 39 service-related, 13 traffic, 16 investigative, 4 court appearances and 4 for training.
- Investigative Reports included: 2 fraud and 1 theft.
- Reportable Traffic Accidents: Single vehicle accident on E. Dark Hollow due to distracted driving.
- Drug Takeback Event Oct 23rd: 28.2 pounds of medications were collected at Wehrungs Lumber and Home Center, 7711 Eason Road Ottsville, PA 18942. The County collected 9,374 pounds in total.

C. Old Business

1. 2022 Proposed Township Budget

Blanchard stated that there would be no increase in taxes.

Motion: to adopt the 2022 Township Budget.

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

2. Authorization for KFS Planning Module Signature [TMP 44-026-007]

Motion: to authorize Township Manager Teri Lewis to sign planning modules for the KFS subdivision.

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

3. Tretton Settlement Proposal [TMP 44-001-022-002]

Township Solicitor Steve Harris stated that Dan Lyons, attorney for the Tretton, had proposed a settlement agreement plan and an alternate "by-right" plan. He noted that by definition a "by-right" plan would comply with all applicable zoning codes. Harris stated their proposed "by-right" plan involves the farm house being torn down [to provide the additional impervious surface for a larger

parking area] and it had come to light that day that the house had been identified as a historical resource according to the 2000 Tinicum Township Open Space Plan Cultural Heritage Map. He read section 703(a) of the Zoning Ordinance regarding demolition of a historic structure and gave Lyons a copy of section. Harris said that they are investigating the enforceability of section 703(a). He said that if the “by-right” plan does comply, potentially it would be acceptable but for the issue of the historic designation according to 703(a). Harris said that the Board was not in the position to discuss the plans until the issue could be further researched. Blanchard said that the discussion would be tabled until the next Board of Supervisors Meeting on December 7th.

Later in the meeting, Lyons stated that he did not agree with Harris’s interpretation of Section 703(a). Harris said that they were trying to determine the effectiveness of that section. Lyons said he had submitted the two plans on September 29th and expressed frustration with the last-minute delays in discussing settlement. He requested that these types of issues be provided to him in advance so that he would be able to address them prior to the meeting. Harris said that the issue had only come up that day and rather than saying they can not tear down the house without going through certain procedures, the Board had asked Harris to research the issue and determine the enforceability of the that section. Harris acknowledged that there had been delays, but there were no guarantees that the Township would agree to what the applicants are proposing. He said if the applicants are frustrated, they do have the option to file a brief with the court and have their appeal determined.

D. New Business

1. Mojjis/Trifiro Lot Line Change [TMP# 44-032-018 and 44-030-008]

Harris said the lot line change was the first step in a multi-step process to dissolve the existing condominium arrangement. Eric Clase, Gilmore & Associates, representing the applicants, explained they were seeking a lot line change with the adjoining owner by purchasing 1.792 acres of property [from 44-032-018] to be included in the Centennial Barn Condo Common Element area [44-030-008] of the property. He said the lot line change would enable one lot to become conforming and lessen the non-conformity of the second existing non-conforming lot in the future.

Stephen Anella, Hamburg, Rubin, Mullin, Maxwell & Lupin, PC, said the Planning Commission (PC) had recommended preliminary final plan approval subject to two conditions referenced in Township Engineer Tom Fountain’s memo dated November 7, 2021. He said the first condition recommending easements for ultimate right-of-way on Cafferty and River Road had already taken place.

Anella stated the second condition was to limit the use of the extra acreage to sewage or for a single non-residential accessory structure, subject to prevailing Zoning regulations. He said that there was proposed amendment to the minor subdivision zoning ordinance that would limit subdividing a previously subdivided lot. Anella said the proposed amendment was before the Board that evening. He said that rather than deed restrict the parcel they would prefer to be subject to the amendment. Anella said that if that amendment did not pass that evening, they could place it as a condition during the second step.

Carl Ruthardt, Planning Commission, said the PC had wanted to restrict the area to septic and an accessory building, but not an accessory dwelling. Harris asked why if the size allowed it. Ruthardt said he thought the size did not allow it. Anella said that they would probably just put a garage on it. Lewis said that a single non-accessory dwelling would be allowed. Anella said they did not want to deed restrict the property if in the future the owner wanted to tear it down and rebuild.

Mark Mojjis stated there was a main dwelling and apartment on his property. Harris noted that should remain unchanged if in the future they decided to tear it down and rebuild.

Motion: to approve the Mojjis/Trifiro Lot Line Change [TMPs# 44-032-018 and 44-030-008] subject to the condition that the existing single house and one apartment on TMP 44-030-008-002 could be demolished in the future and a new single home with one apartment could be constructed in a different location on the consolidated lot.

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

2. Resolution 111621.01 Designation of Agent for PEMA Hurricane Ida
Resolved: by the Tincum Township Board of Supervisors hereby designates Tincum Township Manager Teri Lewis as agent to act behalf of the Township to apply for and obtain PEMA public assistance grant funds related to Tropical Storm Ida.
 Motion by: Blanchard. Second by: Helms. Voted upon and passed.

3. Resolution 111621.02 Bucks County Hazard Mitigation Plan
Resolved: by the Tincum Township Board of Supervisors to hereby adopt the Bucks County 2021 Hazard Mitigation Plan as the official Hazard Mitigation Plan of Tincum Township, Bucks County, Pennsylvania with the noted exception of page 254, table 4.3.15-1 Ongoing and anticipated bridge repair projects in Bucks County (PennDOT 2021b) should be corrected to include “replacement or” rehabilitation as per PennDOT’s Planned 12 Month Letting Schedule issued on Nov. 1, 2021.
 Motion by: Blanchard. Second by: Rosamilia. Voted upon and passed.

4. Appointment of Wynn Associates, Inc. to replace Keystone Municipal Engineering as Engineer and to operate as the Floodplain Administrator and Assistant Zoning Officer for Tincum Township
Motion: to appoint Wynn Associates to replace Keystone Municipal Engineering as Township Engineer and to operate as the Floodplain Administrator and Assistant Zoning Officer for Tincum Township.
 Motion by: Blanchard. Second by: Helms. Voted upon and passed.

E. Regular Business

1. Budget Recap and Treasurer’s Report
 The Budget Recap and Treasurer’s Reports for October are posted on the Bulletin Board and the Board received copies of the reports.

2. Minutes
Motion: to approve the October 19, 2021 minutes as written.
 Motion by: Blanchard. Second by: Rosamilia. Voted upon and passed.

3. Payroll Reports
Motion: to accept the Payroll Report for pay period ending October 22nd in the amount of \$32,068.91 and November 12th in the amount of \$31,875.92.
 Motion by: Rosamilia. Second by: Helms. Voted upon and passed.

4. Disbursements:
Motion: to approve the following disbursements.
 Motion by: Blanchard. Second by: Helms. Voted upon and passed.

General Fund	Amount	Memo
STTC Service Tire	\$608.78	Police Tires
SIRCHIE Finger Print Laboratory	\$117.72	Police Supplies
Keystone Municipal Services Inc	\$1,830.75	Building and Zoning Services
Verizon Wireless	\$214.95	Police Wireless
Harris and Harris	\$3,281.23	Legal Services October
MAGLOCLEN	\$400.00	Membership and Dues
All Traffic Solutions Inc	\$1,500.00	Traffic Suite Reporting Elec Speed Sign Device
Allied Administrators for Delta Dental	\$507.92	Dental Insurance
WEX, Inc	\$428.27	Vehicle Gas Police Dept
Hartford Insurance	\$422.46	Life and Dis Insurance
Merry Maids	\$115.00	Janitorial 11-1-21
Staples Credit Plan	\$91.91	Police Supplies
PennTeleData	\$316.55	Internet Modems
Holicong Locksmiths	\$124.39	Admin Alarm Monitoring
Ricoh Americas Corp	\$93.00	Ricoh Americas Corp
Met-Ed	\$21.28	Electricity Park
Met-Ed	\$144.27	Electricity PWD
Met-Ed	\$250.67	Electricity Police and Admin

Met-Ed	\$30.41	Electricity Traffic Light
CODY Systems	\$4,527.00	Police ASM 2022 and Cloud Hosting
Uniform Gear	\$370.74	Uniform Supplies
Interstate Battery Systems	\$194.95	Police Dept Fleet replacement battery
Allied Administrators for Delta Dental	\$870.06	Allied Administrators for Delta Dental
ReadyRefresh	\$123.14	Bottled Water
Blum-Moore Reporting Services	\$300.00	Stenography ZHB
H.A. Thomson, Risk Management	\$1,006.00	Treasurer's Bond
Keystone Municipal Services	\$2,211.25	Zoning and Building Services
Uniform Gear	\$442.43	Uniform Gear
Aflac	\$218.46	Supplemental Insurance
Petty Cash	\$62.84	Replenish petty cash
Courier Times	\$573.20	Legal notices and advertising
Payroll Fund	Amount	Memo
Account Edge Payroll Service	\$31,881.47	Pay period end 10-22-21
Account Edge Payroll Service	\$31,688.48	Pay period end 11-5-21
Account Edge Payroll Service	\$116.57	Payroll Service
State Fund	Amount	Memo
Suburban Propane	\$874.99	Diesel Fuel
Plumstead Materials	\$1,084.56	Stone
H & K Materials	\$3,217.39	Asphalt
Balascio Excavating	\$2,940.00	Backhoe Rental
NYCO Corp	\$159.82	
Michaels Garage	\$135.00	Hired Repair
PPC Lubricants	\$724.55	hydraulics and filters
VISA	\$866.95	Light Bar F350
Plumstead Materials	\$1,477.34	Stone
H & K Materials	\$362.34	Asphalt
Plumstead Materials	\$1,765.59	Stone
Plumstead Materials	\$1,688.20	Stone
Escrow Fund	Amount	Memo
John Spognardi	\$4,307.60	Refund of Construction Escrow
Open Space	Amount	Memo
Del Val Regional Finance	\$11,500.81	Open Space Bond Payment

Zoning

1. Consideration of Deer Fence Amendment

Rosamilia stated that the purpose of the amendment was to provide a little more distance between the road (referred to as the cartway) and where a deer fence is positioned, regardless of whether the deer fence was for agricultural or nonagricultural use. He said this was to avoid having the deer fence so close to the road that deer have no place to go but onto the road. Rosamilia said that the Board wanted input from the Bucks County and Tincum Township Planning Commissions as to what was a reasonable distance.

Harris read the proposed amendment as follows: *“A deer fence constructed of polypropylene mesh, woven wire, or hexagonal steel (black, brown, or green in color) with a height of not less than eight feet and not more than ten feet may be installed within the front, side and rear yard setbacks, but shall be located a minimum of _____ () feet from the cartway, but shall not encroach within the legal right-of-way and shall be located a minimum of _____ () feet from the side and rear property lines. Posts shall be black, brown, green, natural wood, or natural wood color.”*

Harris noted that currently there are one set rules for agricultural deer fence and one set for nonagricultural. He stated that the amendment would apply to both agricultural and nonagricultural.

Motion: to send the Deer Fence Amendment to the Bucks County Planning Commission and Township Planning Commission for review and comment.

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

2. Consideration of Minor Subdivision Amendment

Harris said any additional subdivision of a lot created by a previous minor subdivision shall be deemed a major subdivision. He said that after one minor subdivision, the next subdivision would then be considered a major subdivision, which carries additional requirements.

Motion: to send the Minor Subdivision Amendment to Bucks County Planning Commission and Township Planning Commission for review and comment.

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

F. Zoning Hearing Schedule:

December 9: Zoning Hearing Board Appeal # 2021-03 Continuance for Davidson.

- The property is located at 72 Walters Lane, Pt. Pleasant.
- Tax Map Parcel #44-033-013-005 and zoned Residential Agriculture.
- Applicant seeks a variance from the Floodplain Overlay District, the Riparian Corridor Overlay District regulations and the Zoning Ordinance side yard setback regulations to construct a single-family home with deck and an on-lot septic system.

February 3, 2022: Zoning Hearing Board Appeal #2021-07 Continuance for Johnston Regarding Tretton

- The property is located at 31 Creamery Road, Ottsville.
- Tax Map Parcel #44-001-022-002 and zoned Commercial.
- Applicant appeals the decision of the Zoning Officer relating to the Tretton Farmstead wedding venue conforming use.

Stayed - Pending Zoning Hearing Board Appeal: Conditional Use Hearing Appeal #2021-02 for Watson

- The property is located at 25 Tammany Road, Upper Black Eddy.
- Tax Map Parcel #44-006-017 and zoned Country Residential.
- Applicant seeks relief from side yard setback to construct a single-family dwelling and deck and on-lot septic system.
- The Watsons have appealed the Zoning Hearing Board decision. If the Zoning Hearing Board decision is overturned this Conditional Use appeal will be rescheduled. If the decision is upheld the Conditional Use has no basis and the hearing will be cancelled.

G. Public Comment

Request to Apply for FEMA/PEMA Grants

Jesse Salamun, Headquarters Road, asked the Board if any federal or state grant money had been applied for to rebuild Sheephole Road and restore Tinicum creek along the road, which was damaged from Hurricane Ida. Lewis noted that earlier in the meeting the Board had given her authorization to act as agent for the Township for FEMA and PEMA grants. Lewis stated that she had already begun the grant application process and had been in contact with PEMA.

Request to Address Log/Debris Jam at E. Dark Hollow and River Roads

John Eshelman, River Road and E. Dark Hollow, requested assistance from the Board regarding a log jam in the box culvert in the ditch alongside of E. Dark Hollow Road, which resulted from Hurricane Ida. He said the jam has caused storm water to be directed onto his property resulting in damage to their driveway and threatening his home and cars. He said now every time it rains, water is forced onto the property. Eshelman said the blockage also diverted water onto River Road with such force it has undermined the edge of River Road. He said he has tried to get assistance from PennDOT without success. Lewis said that she would contact PennDOT on his behalf. She said in previous conversations with Derek Littlejohns, PennDOT, he said that they were working their way down the ditches but were short-handed. Eshelman asked about hiring a contractor to clean it out and getting reimbursed by the state. Harris said they could do it themselves but getting reimbursed was remote.

Richard Balukas, River Road, said that he had been in contact with Albert Bragg of PennDOT that day regarding having the ditch along River Road cleaned out from the Golden Pheasant to Point Pleasant. He

said that Bragg had said the ditch cleaning would take place on November 21 or 28. He suggested that Eshelman contact Bragg to clean the ditch on E. Dark Hollow while PennDOT was scheduled to be in the area. He said that he had also spoken with Robert Graham of PennDOT.

Request to Restrict Large Trucks from Traveling down E. Dark Hollow to River Road

Eshelman requested that the Board post signage to prevent trucks from coming down E. Dark Hollow Road onto River Road. He said large trucks are not able to make the turn onto River Road and then not able to get across the Golden Pheasant Bridge.

Balukas said that he had contacted Don Centofante, PennDOT, who had recently received permission from the state of New Jersey to have weight restrictions posted on the bridges at Frenchtown and Milford, NJ, which would limit larger trucks from traveling on River Road between the two bridges. He said Centofante said the signs would be posted shortly. Eshelman said that he was concerned about trucks coming from routes 611 and 413 down to River Road. Balukas said he hoped to address that with the Board later in the meeting.

Request to Form a Local Traffic Advisory Committee

Richard Balukas, River Road, requested that the Board reconsider his previous request from 2020 to establish a Local Traffic Advisory Committee (LTAC) as suggested in PennDOT's Traffic Calming Handbook. [The Handbook states that the committee typically includes a municipal/county engineer, a municipal/county planner, a representative from the governing body, a representative from emergency services, one or more local citizens and representative from public works.] Balukas said that he would also ask a representative from PennDOT to be on the committee.

Balukas recounted a recent accident on River Road in front of his property. He said the young driver lost control and spun into a tree. Balukas said he believed the driver had been speeding. He said he had pictures of other accidents and was very concerned about the speeding on River Road. Balukas stated that a LTAC would work with the Board. He noted that Doylestown had an LTAC that studies traffic calming needs on both local and state roads and makes recommendations for improvements to their Board. Rosamilia said that he thought a LTAC was a good idea.

Balukas said that last year they had formed a committee to address the issues with PennDOT but said the Township excluded him from the meeting. Cindy Gasparee, River Road said she had written two letters and sent an information packet to the Board, but was also excluded from a PennDOT January 13th. Rosamilia said the Board did take action regarding their requests. [Jan. 21, 2020 Board of Supervisor Minutes].

Helms said that to date the Township had gotten the speed limit reduced on River Road. He said additionally electronic, flashing speed signs had been installed that track and document the speed data. Helms said he believed the majority of motorists obey the speed limit, but asked Chief Madden to speak to the results of data collection from the speed signs.

Chief Madden said that recent data collected over the last two weeks from the speed signs on River Road showed that the daily average speed was consistently 35 miles per hour. She said they cannot be there to catch every speeder, but she was interested in hearing more about Balukas's ideas.

Balukas said they do not have direct community input with PennDOT. Lewis said PennDOT asked not to have a group of residents at the meeting. Helms said that as the elected Board they represent the residents in PennDOT meetings. He said that if they had held a public meeting with 75 people yelling at PennDOT they probably would not have gotten the speed limit reduced.

Helms said he was in favor of the formation of the LTAC but did not think there was anything anywhere that would stop a 20-something year old in a corvette from being an idiot. He said that they have discussed with the current and former chiefs about enforcement and there are challenges with speed enforcement on River Road. Balukas said there are empirically-based things they could be doing.

Blanchard asked Balukas to provide a few examples of things they could do. Balukas said that having flashing lights on either side of the Golden Pheasant Bridge might have prevented the most recent accident there. He said everyone has had difficulty getting over that bridge and having a stop light to meter traffic onto and off the bridge would be helpful. Rosamilia said that the Township had requested stop lights in the past but they would continue to make the request. Balukas said he had spoken that day with Robert Graham, PennDOT Maintenance, and Graham told Balukas to ask the Board to make the request of PennDOT. Rosamilia said they had done that twice before but would make a third request.

Balukas said the Board should go to PennDOT with three or four requests that are based on community consensus. He said it would be most efficient in dealing with PennDOT to form the LTAC per PennDOT's recommendation. Rosamilia said he thought the LTAC was a good idea. Rosamilia asked Balukas to forward him his requests and they would go to Graham with the requests. Balukas said the letter should go to Don Centofante at PennDOT because he is in charge of Traffic Control. Rosamilia asked why they would not go to Graham. Blanchard said they had gone to Centofante before and he said "no" every time. Balukas said he had found it effective to write to the Secretary of Transportation. Rosamilia said they had written to the Secretary and to the Governor but had gotten no result. Balukas said he had gotten a level success noting PennDOT's response to his request to clean the River Road ditches. Rosamilia instructed Lewis to contact PennDOT the following day regarding lights and signs at the Golden Pheasant Bridge. Balukas said he would put together some recommendations.

Tim Cashman, Quail Lane asked to join the LTAC. Lewis said to send a letter of interest to the Board as is customary to apply to any committee.

Miscellaneous

Land Preservation Committee Opening

Blanchard said Ted Fahy had resigned from Land Preservation Committee due to new job opportunities. The Board thanked Fahy for his service to the community and wished him the best. Lewis noted that at the next meeting they would be announcing openings on various committees.

Executive Session

Blanchard recessed the regular meeting at 8:39 PM to discuss matters of personnel and potential litigation. Blanchard reconvened the meeting at 8:49 PM. There was no action to report.


H. Adjournment

Motion: to adjourn the meeting at 9:20 PM.

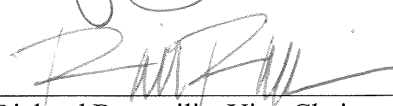
Motion by: Blanchard. Second by: Rosamilia. Voted upon and passed.

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

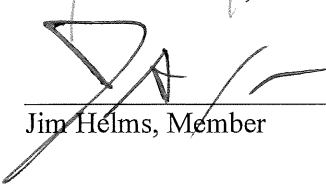
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