

*Incorporated March 12, 1738*

# TINICUM TOWNSHIP

*Bucks County*

## BOARD OF SUPERVISORS

163 Municipal Road  
Pipersville, Pennsylvania 18947

RICHARD ROSAMILIA, CHAIRPERSON  
JIM HELMS, VICE-CHAIRPERSON  
ELEANOR BRESLIN, SUPERVISOR

### **Tinicum Township Board of Supervisors Meeting Minutes October 4, 2022**

Supervisors Eleanor Breslin, Jim Helms and Richard Rosamilia were present with Township Manager Teri Lewis and Township Solicitor Steve Harris. The meeting was held in the Tinicum Township building meeting room. There were approximately 22 people present at the meeting and 12 in attendance online.

Chairperson Rosamilia announced the meeting would be live-streamed on Zoom. 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. Fire Police Officer Oath of Office**

Delaware Valley Volunteer Fire Police:  
Oath of Office for Harold Haas, Jr.

#### **B. Announcements**

##### Change to the Agenda

The Board announced a change to the order of the agenda. The review of agenda topic **G. CU 2021-2: Conditional Use Application of Watson** was moved to the beginning of the meeting.

##### Solar Ordinance Draft

The draft Solar Ordinance was advertised for consideration at the October 4<sup>th</sup> Board of Supervisor meeting.

##### **Motion to approve the Solar Ordinance.**

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

##### 2023 Budget

The 2023 Budget meetings are ongoing and continuance meeting dates are listed on the Township website.

##### Golden Pheasant Bridge

PennDOT notified the Township of a Golden Pheasant Bridge Section 106 virtual meeting to be held on October 20<sup>th</sup> for Consulting Parties. A link to solicit input from residents was posted on the website following the September 20<sup>th</sup> Board of Supervisors meetings.

##### Tinicum Trunk or Treat Event Halloween Celebration

The event will be held at Tinicum Community Park on Saturday, October 22, 2022, rain date October 23.

##### Executive Session

An Executive Session was held prior to the meeting to discuss personnel regarding Planning Commission candidates.

### C. Old Business

Planning Commission Appointment of Tim Cashman to fill the term of Joy von Glueck ending 12/31/24.  
**Motion to appoint Tim Cashman on the Planning Commission to fill the former term of Joy von Glueck ending 12/31/24.**

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

Prior to the vote, residents Steve Gidumal, Vladimir Salamun, Richard Balukas, and John Cole expressed disagreement with the Board's decision to appoint Cashman to the Planning Commission.

#### Headquarters Bridge Update

The Board provided an update on action taken as follows, but iterated that all actions are only investigative to understand all the options:

- Temporary Structure: The Board is hopeful that a temporary bridge can be put in place quickly while issues regarding a permanent bridge are resolved.
- Bridge Rehabilitation Feasibility: The Township Engineer, Steve Baluh has been in communication with the Delaware RiverKeeper Network (DRN) Engineer, Doug Bond, to review the DRN proposed plans.
- Grant Opportunities: Breslin and Lewis will meet with a grant writer to explore current grant opportunities.

Steve Gidumal, property owner, said that he was involved in a discussion as part of his court proceedings with PennDOT regarding giving up the bridge to the township and he was working with one of his neighbors to raise money to build a temporary one-lane bridge that would not disturb the piers and abutments.

Kathryn Auerbach, resident, said that Tinicum is unique in the number of historic bridges within the Township and it was important to protect the historic bridges.

The Board stated that an update would be provided at each meeting.

#### Sherman Road

Breslin said she had discussed with Harris a diagram used for measurement that was received from LTAP (PA Local Technical Assistance Program) and that they are looking into the validity of the diagram in regards to the Residents District. She said that Chief Madden had requested more information regarding the diagram.

### D. New Business

#### Meeting Safety

Helms said as a result of a previous contentious meeting, the Township would have an officer available when bridges are discussed. He asked that residents speak with the Chief if they feel unsafe. Breslin said that having a uniformed presence would help to keep the peace and keep the temperature down. She said that the Board has a responsibility to read the room and there are things that could be done such as using the gavel, taking a break, or ending the meeting. She suggested that public comments be directed at the Board rather than other comments directed at other residents.

#### Request of Dublin Borough for available Fire Police to Assist with Traffic Control at the Dublin Holiday Gathering

**Motion to Authorize any available fire polices to assist with traffic control at the Dublin Holiday gathering on Friday, December 2, from 5:30 to 8:30 pm.**

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

**E. Regular Business**

Minutes

**Motion to approve the minutes of the September 20, 2022 meeting as written.**

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

Treasurer’s Report & Budget Recap

The Budget Recap and Treasurer’s Reports for September will be made available at the next meeting.

Payroll Report

**Motion to accept Payroll Reports for the period ending September 23, 2022 in the amount of \$32,864.97**

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

Disbursements:

**Motion to approve the disbursements as written.**

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

<b>General Fund</b>	<b>Amount</b>	<b>Memo</b>
Merry Maids	\$575.00	Merry Maids every other week (5 cleanings)
Keystone Municipal Services Inc	\$3,296.00	Bldg and Zoning 9-9 THRU 10-9
Service Electric Cable TV	\$279.42	Telephone Service
United Healthcare Insurance Company	\$12,333.89	2022 Monthly Health Insurance
Ottsville Fire Company Relief Assoc.	\$19,375.05	Foreign Fire Relief Distribution 2022 Delaware Valley
Fire Co. Relief	\$24,981.29	Foreign Fire Relief Distribution 2022
Point Pleasant Fire Company Relief Assoc	\$5,707.90	Foreign Fire Relief Distribution 2022
Upper Black Eddy Fire Company	\$1,765.09	Foreign Fire Relief Distribution 2022
PMRS	\$15,038.25	2022 Police 09-129-5 P MMO
<b>Payroll Fund</b>	<b>Amount</b>	<b>Memo</b>
Account Edge Payroll	\$32,221.12	Pay period end 9/23/22
<b>State Fund</b>	<b>Amount</b>	<b>Memo</b>
H & K Materials	\$2,181.90	9.5mm Asphalt
Suburban Propane	\$3,065.69	Diesel Fuel
PPC Lubricants	\$742.65	Drydene Trans Fluid/ Tractor
ATCO International	\$166.95	1059942D PWD Supplies
Tractor Supply	\$192.18	PWD Shop Supplies
Wehrung's	\$1,581.40	73537 Shop Supplies & Bar Saw
Pipersville Garden Center	\$171.33	Pipersville Garden Center 3 pt hitch arm

2023 Pennsylvania Minimum Municipal Obligation (MMO)

Confirmation of receipt of memos and estimation of the MMO’s for the Tinicum Township Non-Uniform Defined Contribution Plan and the Tinicum Township Uniform/Police defined benefit plan for the year 2023. A member contribution in the amount of 3% will be required to assist the Township with funding for the plan, in accordance with the 1989 Uniform Pension Contract with Pennsylvania Municipal Retirement System. The Police Contract Retirement Benefits approves the requirement for member contribution in the amount of 3% to the Police Pension for the calendar year 2023. 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.

**Resolved to waive the 2023 Pennsylvania Minimum Municipal Obligation for the fourth quarter.**

Motion by: Rosamilia. Second by: Breslin. Voted upon and approved.

## F. Zoning Hearing Board

### G. Subdivision / Land Development / Conditional Use

#### LD 2022-2: Land Development of Spinio

TMP 44-011-008-003 & 44-011-008-004, 3632 Bedminster Road, Ottsville.

Proposes construction of 4 warehouses with parking.

- Application received August 15.
- The applicant requested an extension. Planning Commission review for September 27 has been rescheduled for October 11, 2022.
- Board of Supervisor review on October 18.

#### CU 2021-2: Conditional Use Application of Watson

TMP 44-006-017, 25 Tammany Road, UBE.

Requests Conditional Use approval for driveway intrusion in the wetland corridor and riparian buffer overlay districts.

- Application received on August 16.
- Planning Commission on September 27.
- Board of Supervisor review on October 4.

Representing the applicants was Bill Benner, attorney. Benner reviewed the history of the September 21, 2021 ZHB denial based on minimum relief, the Court of Common Pleas subsequently reversed the decision, allowing the Conditional Use to move forward. He said the property is 8.6 acres, zoned RC (Residential Conservation) and the project involves the construction of a 2,308 sq. ft. single family, detached dwelling, septic system, back-up, stormwater facility rain garden and a driveway. The Conditional Use request was for approval to construct a driveway in the wetland corridor and riparian buffer overlay districts.

Benner said that it was the applicants plan to have him represent them accompanied by Stan Lalka, Crews Surveying, who testified before the Zoning Hearing Board, and if Lalka were unable to attend, Adam Crews would attend. Benner said that Crews had a conflict that evening and that he had received notification that morning that Lalka and his wife were diagnosed with Covid. Benner said that Lalka's testimony would have been limited to his adopting the sworn testimony that he gave before the ZHB establishing the standards required of a conditional use applicant. Benner stated that for the purposes of the hearing, the record would consist of a series of exhibits labeled A1 through A6:

- A1 Letter directed to Mary Eberle, Zoning Hearing Board Solicitor.
- A2 Transcript of the notes of testimony.
- A3 Zoning Hearing Board Exhibits.
- A4 The decision of the Zoning Hearing Board.
- A5 The opinion of order entered by the Court of Common Pleas.
- A6 The most recent Township Engineer review letter.

Benner said the record should also reflect that the Township Planning Commission September 27, 2022 review recommended approval subject to the conditions outlined in the Township Engineer Steve Baluh's memo dated August 23, 2022. Benner reviewed exhibit highlights. He added that the previous Engineer, Tom Fountain's review letter recommended conservation easement of four acres, that the applicants will comply with the plan submitted and all applicable ordinances and costs. Benner said his clients would agree to the following as outlined by Harris:

- Comply with the conditions set forth in the letter from Wynn Assoc. June 3, 2002, last revised August 22, 2022;
- Enter into the conservation easement in the locations recommended by Tom Fountain in his review letter;

- The development will conform to the plan submitted with the application.
- The development will comply with all township ordinances.
- The applicant will be responsible for all costs of the review of the application.

Rosamilia asked how the conservation easement would be handled. Harris said he would draft the conservation easement that will be held with the Township and submit it to Benner for his review. Benner said the precise location of the conservation easement had not yet been identified but was confident it could be worked out with Crews and Baluh.

Breslin stated that she was surprised that she did not receive notice that Benner would not have live witnesses that evening and that the Board would be asked to make a decision based a review of 83 pages of notes from a Zoning Hearing Board in that moment. She asked if he had notified the Township Manager. Harris said that Benner had notified him. Benner said he had contacted the Township Manager, stating he took full responsibility, but felt that he had little choice. He said he had sent advance copies to the office a week ago and had brought them again that evening. Breslin said she had not seen the exhibit list and asked Lewis is she had received the list a week ago. Lewis said she had forwarded the email and printed out the highlighted pages ahead of time. Lewis stated that the review is required to take place in 60 days and that they are at the limit. Benner said that Board could continue the hearing, but noted that not much would change.

Breslin asked Benner to describe why the rain garden had such a 7-foot-high berm. Benner said he could not comment on it, but that it would be addressed when the grading permit application is submitted.

Rosamilia invited the public to comment.

Gail Nagel-Hopkins, resident and owner of the neighboring property, asked if there was flexibility regarding the 1,000 ft long driveway location to lessen the impact of headlights and site line from her property. Benner said the ability to relocate the driveway is constrained by the resource protected lands.

After discussion Benner said the applicant would agree to a condition, during the review of the grading plan with the Township engineer, if it is possible to relocate the point of entry in a westerly direction.

Nagel-Hopkins noted there were old growth trees and requested that care be taken to minimize impact to old growth trees. Breslin asked Benner if the old growth trees were noted on the plan. Benner said it was not, but that during testimony, Lalka said that within the limits of the driveway it was possible to design the driveway in such a way to eliminate the disruption to as many trees as possible. Benner said that it was not in the applicants' interest economically or esthetically to take down old growth trees. He said it could be worked out during the grading review process. Helms noted that the easement would serve to protect the trees within the conservation area.

Nagel Hopkins asked if the lighting along the driveway could be minimized or eliminated at the end of the driveway. Lewis said that there is a lighting ordinance and there could be conditions placed for approval. Breslin suggested that the lighting could be downward and shielded downward. Helms suggested that the lighting be minimized at the end of the driveway. Benner said that the applicant would also agree to low landscaping lighting at the end of the driveway.

Nagel Hopkins said she wanted to be sure that the court ordered house size is followed and stated there have been two different house sizes stated. She asked about that the 2,308 sq. ft. and if the footprint would be half the size. Benner said that the house built would be in accordance with the submitted plans. Rosamilia said the footprint is 2,308 sq. ft. Benner said that 2,308 is the floor area and he thought the building footprint would be approximately half that number, but did not want to say it would be exactly that number. Helms clarified that on the plan submitted the impervious tabulation stated that the main

house is 2,308 sq. ft., which would indicate that the house footprint is 2,308 sq. ft. Benner said, okay. Helms said that the Township focuses on and can enforce the impervious space with regards to the footprint. He said it did not matter if it was one or two stories as long as it was below the height restriction of 35 feet.

Matthew Schuenemann, resident, said that he thought that the foot print and the square footage was what was agreed on. He understood the Bucks County ruling only allowed a 2,308 sq. ft. house. Schuenemann said that if they are building a mansion there it was enough buildable property. He asked about how much land would be conserved. Harris said that 4 acres at one end and 1 at the other end. Benner said the size of the house is limited by the footprint that is indicated on the plan submitted. Breslin asked Benner to explain why he was describing the house as 2,300 sq. ft and half of that as the footprint during his presentation. Benner said that his understanding was that the living area was 2,308 sq. ft. and how it is allocated within the building footprint he was unable to answer. Breslin asked if Benner's understanding was 2,308 sq. ft. or the foot print is 2,308 sq. ft. Benner said he was unsure and he may have interpreted it as floor area incorrectly, but was sure that the plan shows the building footprints. Harris said as 2,308 sq. ft. Helms said that as a rough scale that would be correct.

Lewis said that if the Board looked at the judge's conclusion on page 10 of the exhibit it says that it is a "4-bedroom, 2,308. sq. ft. house" – it does not say "footprint." Helms said that for clarification of the Zoning Hearing Board and what got overturned, they cannot dictate the interior square footage as long as it meets the impervious footprint and height restrictions. Harris said he agreed. He stated that the driveway location and lighting are subject to the Conditional Use before the Board tonight and that whether the house is one or two stories has nothing to do with the driveway in the wetlands margin and riparian corridor overland.

Scheunemann asked about the amount of disturbance of the wetlands for the house. Harris said that there was no disturbance of the wetlands for the house and the wetlands are indicated on the plans. He said they were talking about moving the driveway to west so it was not directly across from the neighbor. He said the foot print of the house would be the footprint of the house, not whether the house was one story or two for this decision.

Nagle-Hopkins asked about walkways, pools, decks, patios, sheds in terms of impervious. Helms said there was none of that on the plans. He said that if there is impervious area left, they would have to come back for additional permits for those things. Helms said that it just shows the house, driveway and parking lot.

Breslin asked Brenner about the legend of swimming pool on the plan. Benner said that was just part of legend.

**Motion to approve the CU 2021-2 Conditional Use Application of Watson with: the conditions set by Township Solicitor that during the grading review the driveway be located to the west, the removal of mature trees be minimized, no pole light along the driveway within 50 of the roadway although low-level shielded landscape lighting would be allowed; and compliance with the conditions set by Township Engineer, Wynn Associates, which includes the conservation easement of four acres, compliance with the plan submitted and all applicable ordinances and costs.**

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

LD 2022-3: Land Development of Tretton

CU 2022-1: Conditional Use of Tretton

TMP 44-001-022-002, 31 Creamery Rd, Ottsville.

Proposes to renovate barn as a wedding venue.

Requests Conditional Use approval to construct stormwater management facilities in steep slope and permit substantial property improvement within the Tohickon Creek Watershed overlay.

- Applications received August 16. (60 Day Waiver Letter received for Conditional Use.)
- Planning Commission review on October 26.
- Board of Supervisor review on November 15.

LC 2022-1 Subdivision/Lot Line Change of Thomas Vanderlely

Application was withdrawn at the request of the applicant.

#### **H. Public Comment Session**

Tom Marden, resident, asked where an ordinance is advertised. Lewis explained it is advertised in the Intelligencer Newspaper and then posted on the website when approved.

Kathryn Auerbach, resident, asked if there were plans for the County Beaver Run Bridge rehabilitation. Lewis said that she had asked for more information but had not received any construction plans yet. She said there is a link on the website. Rosamilia said they Board would ask for detailed construction plans.

Breslin asked if Auerbach had any information on the pipe railings, which had been noted as being a contributing factor to Wild and Scenic at the last meeting. Auerbach said the bridge is a pure design from John Roberts from the 1930s. She said the character defining features are the pipe railings and the size of them against earlier bridges designed by Oscar Martin. Auerbach said that the Roberts had more finesse in his architectural treatments. She said the toe curbs are molded and pylons a chamfered a little more. — the whole thing is intact. Auerbach said to take off those railing and replace them with structure mounted is what they did at Headquarters and it ruins the bridge by drilling holes in the concrete structure and mounting guiderails. She said there is no problem with the guiderails and there is no need to change them. Auerbach noted she was very concerned about changing the guard rails from an architectural standpoint.

Auerbach asked if the Township had received a purpose and need statement on the Golden Pheasant Bridge. Lewis said they had not, but stated that a link had been placed on the website to garner comments from the public.

Auerbach asked about the plan for monitoring the conservation easement on Watson, which would be held by the township. Lewis explained the various methods for monitoring, i.e., neighbors, zoning officer/zoning permitting process.

#### **I. Executive Session**

Rosamilia recessed the regular meeting at 9:12 PM to discuss land acquisition and two matters of potential litigation regarding violations. Rosamilia reconvened the meeting at 10:15 PM. He announced no action taken.


#### **J. Adjournment**

**Motion to adjourn the meeting at 10:16 PM.**

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

*The next meeting of the Board of Supervisors is scheduled for October 18, 2022 at 7:30 PM.*

**TINICUM TOWNSHIP BOARD OF SUPERVISORS**



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Richard Rosamilia, Chairperson



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Jim Helms, Vice-Chairperson



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Eleanor Breslin, Member