

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 November 15, 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 30 people present at the meeting and 14 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. Police Report

Chief Madden, Tinicum Township Police Dept., presented the following report for October 2022:

- 228 Incident Reports: 84 service-related, 42 crime/investigative (including 2 fraud reports and one arrest on a warrant following a traffic stop), 90 traffic, 3 training and 9 for court appearances.
- 6 Reportable Traffic Accidents:
 - 2-vehicle accident on Easton Road due to improper left-hand turn.
 - Two 2-vehicle accidents on Easton Road due to following too close.
 - A motorcycle struck a deer on River Road.
 - 1-vehicle accident on River Road due to environmental issue.
 - 1-vehicle accident on the Golden Pheasant Bridge as the result of driving too fast for conditions.
- 5-Year Reportable Accident Average: Over the past 5 years for the month of October, there was an average of 4.6 reportable accidents.

B. Announcements

Golden Pheasant Bridge Update

On October 20th, the Board participated as Consulting Parties in the PennDOT Section 106 meeting regarding the Golden Pheasant Bridge. The Board requested that that PennDOT extend the opportunity for public comment by two weeks. The Board stated preference for a one-lane bridge restoration with speed-calming traffic lights and guard rail adjustments during the meeting and sent their written comments following the meeting.

Planning Commission Update and Overview

David Upmalis, Planning Commission Chair, provided a brief overview of the Planning Commission, which reviews and advises the Board of Supervisors regarding matters relating to planning and zoning, subdivisions and land development applications, planning modules, and proposed ordinances. The Commission consists of seven volunteer members appointed by the Board of Supervisors to 4-year terms.

Upmalis said that Commission recently completed the codification of the Zoning Ordinance. The codification will allow the Ordinance to be more easily searched and updated. He also noted that there were two major land development applications.

Joint Bridgeton-Nockamixon-Tinicum Groundwater Committee

Riley Murphy, Committee member, provided a brief overview of the Joint Bridgeton-Nockamixon-Tinicum Groundwater Committee, which works as a joint venture with two neighboring townships to provide a reliable, safe and adequate/sustainable water supply to residents through scientific studies, well monitoring, regulatory review and educational programs. The Committee includes two volunteer members appointed by the Board of Supervisors to 1-year terms

Murphy said updating the Nockamixon Groundwater Ordinance has been a recent major project. He noted that there are rain gauges throughout the area, including one at the township building. Rosamilia asked about “bounded aquifers” and Murphy said he would bring that question back to the committee. Helms asked how many wells the committee monitors. Murphy said that there are 13 continuously monitored wells and another 15 that are monitored twice a year.

Winter Songs in the Park, December 10th from 4 – 5 pm.

The Palisades Madrigal Singers will be performing at the Tinicum Community Park in Ottsville (behind Cooper Mechanical). The entire community is invited. Bring a lawn chair and a candle and enjoy the music in the meadow.

2023 Tinicum Township Budget

The 2023 Budget has been advertised and will be considered for approval at the December 6th Board of Supervisors meeting.

C. Old Business

Ordinance 258 Sherman Road Speed Limit

Motion to send Ordinance 258 establishing Sherman Road as a “Residence District” and authorizing a 25 MPH speed limit to the Planning Commission for review.

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

The Board will consider the ordinance for approval at the December 6th Board of Supervisors meeting.

Ordinance 259 Woodfired Boiler Amendment

Motion to send Ordinance 258 Woodfired Boiler Amendment.

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

Headquarters Bridge Update

Board said the Township Engineer, Steve Baluh of Wynn Assoc., has been in communication with various agencies, regarding gathering more information for the feasibility review. The objective of the feasibility review is for: 1) a temporary bridge, and 2) a rehabilitated bridge structure.

Watson Conditional Use Clarification

Steve Harris said that in his written decision for the Watson Conditional Use, he stated that the “footprint” would be no greater than 2,308 square feet as what was discussed and agreed upon. He said that Breslin raised the question if it was the “house size” that would be 2,308 total sq. ft. Harris said he requested it be added to the agenda to allow the Board to resolve the matter of “foot print” versus “house size.”

Breslin said that during the Conditional Use Hearing, William Benner, attorney for the applicants, did not have any witnesses present and entered into evidence the engineer’s testimony from the September

2021 Zoning Hearing Board (ZHB) hearing. She said there was a discrepancy in the notes of testimony in that the site plan indicates 2,308 sq. ft. as impervious and the footprint for the household. She said it is silent as to walkways, patios, etc. with regards to impervious. Breslin said the engineer testimony was inconsistent regarding footprint, house size and building envelope size.

Breslin said the applicants then appealed the ZHB decision. She said Benner's memorandum stated that the square footage of the house is 2,308 sq. ft. and the opinion of the court also acknowledges the house as 2,308 sq. ft. Breslin said she saw this as a discrepancy and it was unclear if the footprint was 2,308 sq. ft. with potentially two or more stories up to 35 feet, or if the 2,308 was the actual square footage of the house.

Breslin stated that the property is very wet and the size of the house will affect the rain garden's ability to accommodate the water. She said Benner repeatedly said the square footage was 2,308 when he presented his case and that it was important to have clarification now.

Helms said when the Board reviewed the plans at the Conditional Use hearing, they discussed it at length, and the plans clearly showed the grayed area as the square foot footprint of the house, without making any mention of the inside square footage. He said it would have no impact on the impervious surface for the 2,308 sq. ft. footprint shown on the plans, regardless of whether the house is 15, 25 or 35 feet tall, because the roof will be the same size and the same amount of water will go into the rain basin.

Helms said regarding the lack of impervious percentages noted for walkways, etc., it is a 10-acre property with 10% impervious and the plans as drawn show about 1 to 2% of the impervious space being utilized, which would allow for walkways and auxiliary structures as needed.

Helms said the Board of Supervisors review was specific to the Conditional Use request to allow the driveway go across the wetlands buffer and the Board's conditions were clear regarding the driveway. Helms said the house size on the plan was a 2,308 square foot footprint. He said that was what was discussed and it was clear. Helms said that he did not believe the Township should be in the business of telling people what size house they could build as long as it complies with the Zoning Ordinance.

Benner acknowledged there may have been some ambiguity at the conditional use hearing, but thought the issue had been resolved. He reviewed the process stating that the application submitted to the Zoning Hearing Board requested the following variances: 1) to disturb environmental districts for a rain garden, and 2) to run a sewer line, if necessary, from the dwelling to an alternate septic system through an area where there were hydric soils. Benner said the request for relief was not to build a single-family dwelling or exceed the impervious coverage.

Benner said the ZHB made findings of fact that the dwelling size was portrayed as a four-bedroom house and determined that the applicant failed to show that the relief request was the minimum. He said the applicant then appealed the decision. Benner said the argument presented to the court was not about the size of house, but the amount of disturbance to environmentally sensitive lands and the court agreed. Benner said the court reversed the ZHB decision.

Benner said the plans presented to the ZHB showed a footprint of 2,308 sq. ft. He said the ZHB asked for clarification and the engineer said that the building footprint showed 2,308 sq. ft. and, in theory, could support 6,912 sq. ft. – three stories with 2,308 sq. ft per story –but the number of bedrooms was controlled by the septic permit. Benner said that the engineer went on to say that the relief requested was the amount of the disturbance to environmentally sensitive land for the driveway, footprint, etc. He said the size of the house does not affect anything if the ground disturbance remains at a 2,308 sq. ft. footprint.

Benner said, after the court decision, the next step was the conditional use request to allow the driveway to disturb the wetland buffer. He said that request only pertained to the driveway and did not have anything to do with the size of the house. Benner noted that a neighbor expressed concerns about the vehicle lights and driveway lights shining into their property windows and the Board imposed a condition that the driveway be redesigned to accommodate that request and the applicant agreed to the redesign. He stated that this plan is the same plan that the ZHB and the court considered for the ZHB decision hearing.

Benner stated that the record shows the building footprint as 2,308 sq. ft. and to have the Board make a change at this point to limit the size of the house to a total of 2,308 sq. ft. with no support in the record and would probably prompt another court appeal.

Trevor McNeill, adjoining property owner, said he had been unable to attend the Zoning Hearing Board hearing because he was out of the country. He said that the Watson parcel has nearly 400,000 sq. ft. and less than 6,000 square feet of usable area, due to the environmentally sensitive nature of the property. McNeill said that the 2,308 sq. ft. size of the building footprint within the building envelope pushed the rain garden out of the building envelope. McNeill said that if the footprint was reduced, the stormwater impact would be lessened and rain garden could be made small enough to be within the buildable area and no variance would be required. He said that would lessen the impact to the soils.

McNeill said that Benner did not clarify the size in the appeal and noted that the dwelling could potentially have three stories with a finished basement for a total of 9,000 sq. ft. and that was not a minimum reasonable use of the property. McNeill said the court did not intend for the Board to interpret the 2,308 sq. ft. size as the footprint. He said the court record reflects a 2,308 sq. ft. house. McNeill said his house and the neighboring houses are 2,000 square feet or less.

Helms said McNeill should have made his appeals regarding the size of the house at the court hearing, not at the conditional hearing now before the Board, which has no bearing on the size of the house. Helms said the applicants went through the process, as stated in the Zoning Ordinance – going before the ZHB, getting denied, appealing the decision to the court and getting approved for a 2,308 sq. footprint. He said regardless of the number of stories it was still the same 2,308 sq. ft. of ground disturbance. Helms said the court already made that decision.

Harris said the Conditional Use application request was to determine whether or not the driveway can go through the riparian buffer and wetlands and wetlands margin overlays and that was the only issue. He said the discussion on the size had no bearing on the Conditional Use proceedings.

Motion: to sign the Watson Conditional Use decision as written with footprint.

Motion by: Helms. Second by: Rosamilia. Breslin voted no, citing that the applicant should be held to the court decision with regards to the square footage of the house. Motion passed 2-1.

Harris asked Benner if he would grant an extension of time to allow him to revise the signature page and the decision would be signed at the December 6th Board of Supervisors meeting. Benner agreed to the extension.

D. New Business

Authorization to advertise appointment of Hutchinson, Gillahan and Freeh, P.C. Auditors

Motion to authorize to advertise the appointment of Hutchinson, Gillahan and Freeh, P.C. to examine the books and perform the audit of Tincum Township for the fiscal year 2022.

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

Resolution 111522.01 Act 57 Tax Penalty Waiver Process

Harris explained that Act 57 requires all municipalities that levy real estate taxes to adopt a resolution directing their tax collector to allow taxpayers who fail to receive a tax notice to apply for a waiver from penalties and additional costs from the tax collector. The resolution takes effect January 1, 2023 and is not retroactive.

Motion: to adopt the Resolution 111522.01 Act 57 Tax Penalty Waiver Process

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

Resolution 111522.02 American Rescue Funds (ARF) Appropriation 2022

Lewis explained that the Township had received the second part of the ARF funds. She said the Township is permitted to take a single deduction, which requires a resolution that states the funds will reimburse the general budget for salaries and benefit expenses during the Covid pandemic time frame as noted.

Motion: to adopt the Resolution 111522.02 American Rescue Funds (ARF) Appropriation 2022.

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

Communications Ad Hoc Committee appointment(s)

Discussion tabled.

E. Regular Business

Minutes

Motion to approve the minutes of the November 1, 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 October was presented to the Board and posted on the bulletin board in the meeting room.

Payroll Report

Motion to accept Payroll Reports for the period ending November 4, 2022 in the amount of \$34,080.89.

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

Disbursements:

Motion to approve the following disbursements as written.

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

General Fund	Amount	Memo
G2 Computers	\$7,360.92	Streaming Equipment & Mics
G2 Computers	\$300.00	Admin IT Services
G2 Computers	\$2,623.87	Filemaker Pro Software Licenses - TMP Data Base
PA Turnpike	\$9.50	PA Turnpike
H.A. Thomson, Risk Management	\$1,006.00	Treasurer's Bond 364858
PennTeleData	\$384.97	Modems
Penna Chiefs of Police Assoc	\$150.00	Membership Dues
Ricoh	\$93.00	Copier /Printer Lease
B. Jeannie Kauffman	\$175.00	Stenography Services
Gary Bickel's Garage	\$605.43	Services - Police Fleet
Met-Ed	\$343.36	Electricity pwd Garage
Met-Ed	\$880.30	Electricity Police and Admin Sept/Oct
Met-Ed	\$34.04	Electricity Park

Holicong Locksmiths	\$124.39	Qtr. 4 alarm monitoring- PWD
NAPA of Ottsville	\$322.28	Police fleet parts
Wehrung's	\$599.14	Public Works Supplies
Merry Maids	\$115.00	Janitorial Services
CODY Systems	\$4,527.00	ACM and HST 2023 - Police
Help Now	\$75.00	Police IT
Wehrung's	\$9.79	Police Supplies 91588
Axon Enterprise, Inc.	\$2,730.84	Taser Certification
Uniform Gear	\$199.47	Police uniform supplies
Grim, Biehn and Thatcher	\$765.00	ZHB Services Oct
ReadyRefresh	\$54.94	Bottled water
Ricoh Americas Corp	\$93.00	Ricoh Americas Corp
Staples Credit Plan	\$46.13	Police Supplies 8644
Earth Link	\$67.90	Web hosting -Nov and Dec
Keystone Municipal Services Inc	\$2,172.00	Zoning and bldg. 10-18 thru 10-28
L-Tron Corp	\$368.97	Mobile Data - Police
Merry Maids	\$115.00	10/31 Janitorial Services
Ricoh Americas Corp	\$154.00	Copier Printer Lease
Payroll Fund	Amount	Memo
Account Edge Payroll	\$34,080.89	Pay period end 11/4/22
State Fund	Amount	Memo
Suburban Propane	\$1,333.57	Diesel Fuel
Interstate Battery	\$248.22	Interstate Battery System of Greater Phila
M & W Precast LLC	\$428.09	45910 Drain Pipe
Capital One Trade Credit	\$235.69	Northern Tool - Public Works
Open Space Fund	Amount	Memo
Del Val finance Assoc	\$11,073.68	Open Space Bond Payment

F. Zoning Hearing Board

ZHB 2022-3: Variance and Special Exception of Hessel

921 River Road, Erwinna. TMP 44-015-090.

Requests removal and reconstruction of non-conforming accessory structure in the side yard setback and floodplain.

- Application received October 17.
- Planning Commission reviewed on October 25 and recommended the Township remained neutral, if the applicant agreed to the following conditions:
 - No cooking facilities
 - No laundry facilities
 - No rental unit – to be recorded on the deed
- Board of Supervisors review on November 15: The Board agreed with the PC recommendation to remain neutral if the applicant agrees to the conditions as stated. Attorney for the applicant, William Benner, said the applicant would agree to the conditions.
- Zoning Hearing Board Hearing scheduled for December 8.

G. Subdivision / Land Development / Conditional Use

LD 2022-3: Land Development of Tretton

CU 2022-1: Conditional Use of Tretton

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

Proposes to renovate barn as a wedding venue.

Requests Conditional Use approval to construct stormwater management facilities in steep slope area 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 25.
- Waiver of the clock requested as applicant needs to provide further information.
- Board of Supervisors review tentatively scheduled for January 17, 2023.

H. Public Comment Session

No comments.

I. Executive Session

Rosamilia announced an executive session had been held preceding the meeting from 6:00 PM to 7:15 PM regarding fact finding concerning Headquarters Bridge and other legal matters.

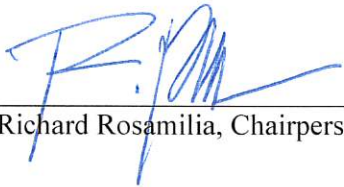
J. Adjournment

Motion to adjourn the meeting at 9:15 PM.

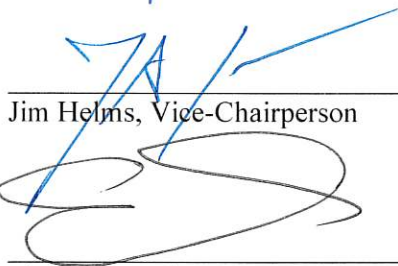
Motion by: Helms. Second by: Breslin. Voted upon and passed.

The next meeting of the Board of Supervisors is scheduled for December 6, 2022 at 7:30 PM.

TINICUM TOWNSHIP BOARD OF SUPERVISORS



Richard Rosamilia, Chairperson



Jim Helms, Vice-Chairperson



Eleanor Breslin, Member