

Incorporated March 12, 1738

TINICUM TOWNSHIP

Bucks County

BOARD OF SUPERVISORS

163 Municipal Road
Pipersville, Pennsylvania 18947

GARY PEARSON, CHAIRPERSON
NICHOLAS C. FORTE, VICE-CHAIRPERSON
VINCENT J. DOTTI, SUPERVISOR

TINICUM TOWNSHIP BOARD OF SUPERVISORS MINUTES OF THE MEETING NOVEMBER 20, 2012

Chairperson Gary Pearson called the meeting to order at 7:30 p.m. Vice Chairperson Nick Forte was in attendance with Supervisor Vincent Dotti, Solicitor Stephen Harris, Treasurer Teri Lewis, and Manager Linda McNeill. There were approximately 14 persons in the audience including Liz Bowman of the Bucks County Herald and Hilary Bentman of the Intelligencer.

PLEDGE OF ALLEGIANCE: Pearson led those present in the Pledge of Allegiance.

Hurricane Sandy: Pearson said that the Board wanted to give a public thank you to the Emergency Service providers and the Emergency Management providers during Hurricane Sandy. Special Thanks to Bill Cahill, Emergency Management Coordinator, Doug Skelton, Public Works Director and his department, Police Chief James Sabath and his department, Delaware Valley Volunteer Fire Company, Ottsville Volunteer Fire Company, Ben Powell, Upper Bucks Regional Medical Services, Damon Aherne, Linda Frey, Carolyn Fitz, Teri Lewis, Joan Tanner and Linda McNeill.

Pearson said that the Public Works Department did a wonderful job of getting the trees and wires out of the roadways to make them passable.

PUBLIC SESSION:

Bill Ballantine asked about the noise ordinance. McNeill said that this was on the agenda.

Bruce Wallace said that the bridge on Headquarters at Sheephole was going onto PennDOT's schedule for environmental and historic permits in December. He said that the first thing they had to do was consider rehabilitation and said that had they done that with the Geigel Hill Road Bridge it would have saved years. He urged the Supervisors to do anything they can to encourage that rehabilitation be investigated thoroughly. Pearson said that if PennDOT had not explored that option, it would benefit the Township to have them do that before this went to a Section 106 hearing. Wallace said that rehabilitation was a much less complicated situation and it would open the bridge years sooner. Forte said that after the weather incident, it became more obvious than ever that the east west corridors remain open. He said that the Township needs a bridge as soon as possible. He said that in a storm event, it was more important than ever, for emergency vehicles to have the east west corridors.

Dotti said that the other east west corridors were getting killed. He said that as he saw from the PennDOT schedule, they had three significant hurdles. He said that they had the section 106, environmental review and landowners that may not want to give PennDOT the small slivers of land they would need for a new design. He said that it could be many years before a new bridge could be approved and it would be wonderful if the piers could serve, even with a temporary deck until this was sorted out.

The Board directed the Manager to draft a letter in the next week for review by the Board to send to PennDOT encouraging rehabilitation.

Office Hours: Mon. Tue. Thurs. Fri. 9am-5pm, Wed. 9am-Noon
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Dwayne Gross said that he was present to request that the Board release the escrow it received when the bank failed to renew his letter of credit. He said that after eight years the system had been operating and functioning and he complied for two years with the testing requirements. He said that he spoke with the Manager who said the Township had no records of the system receiving the required maintenance. He said that he tried to get a hold of Tom Fountain but did not hear from him until today. He requested that the Board release funds down to the 10 percent. He said that he also wanted the Board to require the administration to supply updates on his escrow every six months.

Harris said that the Operation and Maintenance Agreement required that the property owner provide certain information to the Township demonstrating that the system was functioning properly. He said that when the Township was notified that the bank would not be renewing the letter of credit, he (Harris) sent a letter to Mr. Gross stating that if he did not supply the necessary documents, the Township would draw down the letter of credit. Harris said that on September 11th, Fountain sent a follow up to Mr. Gross outlining what he needed to supply so that funds could be returned. Harris said if Mr. Gross had the documents, and Fountain reviewed and approved it, then the Board could authorize a release of funds down to ten percent. Harris said that the information had not been provided to the Township to date. Harris said that the Board could authorize Fountain to review the materials and if he found them to be compliant, Fountain could authorize the Manager to release funds.

Gross said that he had the information. Harris said that Township has not received it. He said that Gross had the Township's letter outlining what he needed to submit for two months and had not provided that information.

Pearson said that if Gross had the information, he should provide it to Fountain for review and approval.

Motion by Forte, seconded by Pearson, to direct the engineer to review the O & M agreement and the required material submitted by Gross and if he found it compliant with the requirements of the Operation and Maintenance Agreement, authorize the Manager to release the appropriate funds. Voted upon and passed.

A. Old Business:

C. New Business:

Advertised Conditional Use hearing for the application of Terri Ripley, filed by Agent, John Suchy. Conditional Use approval is requested in accordance with Section 808 of the Tinicum Township Zoning Ordinance for the Replacement/Repair of the Sewage System. This property is identified as Tax Parcel No. 44-13-9-1 located at 462 E. Dark Hollow Road, Pipersville, PA. This is a 1-acre property in the Residential Agricultural (RA) Zoning District.

DDL Court Reporting was present to record the hearing. John Suchy, Realtor with Caldwell Banker Hearthiside was sworn in and said that they discovered the septic system was failed during the home inspection. He said that they had soil scientist, Rick Swiantecke and the Department of Health out to do testing where they found 14 inches of soil before mottling and the only viable system would be a holding tank.

Harris said that Conditional Use was necessary to permit a holding tank in the Tohickon Creek Overlay District. Harris said that the applicant must demonstrate that the holding tank and all permitted building structures would be placed in the areas that had the least impact on ground and surface waters.

Suchy said that he has filed all the necessary paperwork, soil testing and site plan and fees and this had been before the Township Planning Commission who had recommended approval. Dotti said that the location of the tank represents the least deviation from any setback requirements. Suchy said that they have signed the Operation and Maintenance Agreement provided by the Township. Harris said that the Board would need to approve the agreement if the Conditional Use was granted. Suchy said that there would be a visual and audible alarm. He said that the same was done at 23 Dark Hollow Road previously. He said that this was a 2 bedroom house.

There was discussion with Solicitor about whether Ordinance Section 808 was applicable due to the tank in a non-compliant location, even though it was within the building setback. Harris said that there was no drain field with the holding tank system and the tank was in the building envelope. Section 808 applies to repair replacement systems. Dotti said that this was not an absorption field but still was a system for managing the sewage. Harris said that the Board could grant conditional use approval if they believed this complied.

Motion by Dotti, seconded by Forte, to grant the conditional use approval subject to the condition that prior to the installation of the holding tank that a Department of Health permit be obtained for the holding tank; that the property owner enter the declaration of restriction and covenants prohibiting subdivision and that the applicant obtain all necessary permits from the Township for the installation of the system. Voted upon and passed.

Motion by Dotti, seconded by Forte, to approve and sign the Operation and Maintenance Agreement for the above approved holding tank system. Voted upon and passed.

B. Reports from Police, Emergency Services & Public Works:

Delaware Valley Volunteer Fire Company:

Chief Chris Chevalier said that they responded to 25 calls during the month of October. There were 12 fire calls, 7 Quick Response and 6 fire police.

He announced that the last spaghetti dinner for the year would be held in December as it was too cold in the firehouse to have dinners during the winter months.

Tinicum Township Police:

Chief Sabath announced that the Department was still dealing with issues from the storm. He said that people needed to move heavy equipment for cleanup throughout the Township. He said that there would be a click it or ticket enforcement over the Thanksgiving holiday.

Pearson said that the Board thanked the Chief and his officers for all the work they put in during the emergency.

Advertised Hearing to enact the proposed Municipal Budget for 2013.

Pearson called the Hearing to order at 8:15 p.m. He said that anyone who had reviewed this budget would see this was one of the barest bones budgets he had seen as a Supervisor. He said that the costs of operating such as insurance and fuel that cannot be avoided had increased without equal increases in revenue.

Pearson said that the Board was planning to purchase a roller for Public Works as the department can no longer get the necessary parts to keep the old one going. He said that the Township's allotment of liquid fuels income had dropped decreasing funding for road projects. Pearson commended the Treasurer for doing an outstanding job with the budget.

Pearson said that the Manager and Treasurer provided a pie chart to the Board showing how the average resident's tax bill is allocated. He said that the school district receives 77%, the County 17% with just 6% of the total tax bill coming to the Township.

Dotti thanked Lewis and all the department heads for their input with this difficult budget. He said that the Board was hoping to purchase the roller this year, and hopefully next year could consider purchasing a paver to help defray the subcontracting costs of paving.

Dotti said that this year, the public safety budget topped \$600,000. He said that this category had increased 32%. He said that the last few weeks had showed everyone how vitally important our police department is, and how incredibly they performed. He said that he had not heard any negative remarks about any of our police employees.

He said that current real estate, local enabling tax and emergency services tax equals 1.4 million and right now, the public safety portion of our budget was 44 percent. He said that he was vitally interested in keeping the Police Department that the Township had built up. He said that the Chief ran a

very tight budget in his department. He said overtime was minimal to non-existent. He said that the cost increases were structural- one cannot negotiate the price of gasoline, or not purchase a cruiser when necessary, and there were contractual costs. He said that the Board needed to start thinking about whether the Township could maintain the same quality and coverage perhaps with one less officer. He said that the Township was reaching a point with cost increases, that if we want to preserve the same quality, we need to do more with less- perhaps be able to have the same coverage with three officers instead of four. He said that this was not something that could be resolved this year.

Forte said that for the amount of money he paid in taxes, he was getting getting one heck of a deal for the service provided by the Police Department. He said that he helped to develop this department, they were sharp, bright and community minded. He said that it was a five star department, and he would like to maintain the security, and the presence at the school. He said that he was very comfortable with the department as it is.

Pearson said he would have to do the math, but he believed the costs of the Public Works department were the same and he was not interested in cutting either department or the services they provide.

Pearson asked if there were any comments from the public.

John Cole of Hollow Horn Road said that although the Township has not had a population increase, the surrounding areas have, and with the pass through traffic and visitors, he did not want to sacrifice security for a couple of dollars.

Motion by Dotti, seconded by Forte to approve the budget as presented. Voted upon and passed.

Advertised Hearing to enact Ordinance 215, an Ordinance to establish an "Airport Overlay District".

Harris said that this ordinance had been approved by the Township and County Planning Commissions. He said that this was different from the first draft, as the Bureau of Aviation had since developed a simplified version of the model ordinance that was more appropriate for Tinicum. He said that the Township did not want to burden residents with unnecessary zoning applications due to the height requirements. He said that the Bureau of Aviation said that the Township could set a minimum height requirement, so that anything under that would not require a permit under this ordinance. He said that after advertising the ordinance with this language, Richard Rosamilia pointed out that the ordinance was not only regulating structures, but also trees and rather than just saying 35 feet, the language could be 425 feet above mean sea level, so that if someone was in a low area, they would not be subject to the ordinance. Harris said that as crazy as this sounded, it would have to go back to both planning commissions for review, but he thought the suggestion had merit.

Pearson said that there was no time limit and he thought if this made a better ordinance, the language should be revised. Dotti suggested "35 feet or 425 feet above mean sea level, whichever is greater".

Harris said he would revise the ordinance and send it to the planning commissions and it would be back to this Board at the second meeting in January. Dotti suggested sending a copy to each person from the Airport Committee as well.

Timothy Porter Installation and Maintenance Agreement, Replacement/Reserve Area Deed Restriction and Maintenance Easement for a community elevated Sand Mound:

McNeill said that Porter came before the Planning Commission to seek approval for a residential accessory dwelling unit above the garage that existed when he purchased his property but had not been approved by the Township. She said he had a large lot, and had been able to find a primary and replacement area, so that Planning Commission approved the accessory dwelling, but the Board needed to approve the maintenance agreement. Pearson asked if this complied with the Township's Zoning. McNeill said that it did. She said that Porter was willing to enter into an Operations and Maintenance Agreement and that the Board had an Agreement that had been signed and notarized by the Porters.

Motion by Forte, seconded by Pearson, to approve the O & M agreement with Timothy Porter. Voted upon and passed.

Partial Draw of Terence and Claire Froman Letter of Credit by Tinicum Township to retain \$5,000 in perpetuity, in accordance with the Installation and Maintenance Agreement for their A/B Sewage System.

Harris said the bank has advised the Township that they will not renew the letter of credit. He said that Froman's had provided the necessary data to establish that the Township needed only the lower amount of escrow. He said he recommended that the Board withdraw \$5500 from the letter of credit to hold in escrow pursuant to the Operation and Maintenance Agreement for the A/B system.

Motion by Forte, seconded by Pearson to approve the drawdown as discussed. Voted upon and passed.

1) MINUTES:

Motion by Pearson, seconded by Dotti, to approve the Minutes of the Meeting of October 16, 2012 as written. Voted upon and passed.

2) TREASURER'S REPORT & BUDGET RECAP:

Motion by Pearson, seconded by Forte, to accept the Treasurer's Report and Budget Recap for October 2012. Voted upon and passed.

3) PAYROLL REPORT:

Motion by Pearson, seconded by Forte, to approve the Payroll Report for the period of October 6, 2012 and ending October 19, 2012. Voted upon and passed.

Motion by Pearson, seconded by Forte, to approve the Payroll Report for the period of October 20, 2012 and ending November 2, 2012. Voted upon and passed.

Motion by Pearson, seconded by Forte, to approve the Payroll Report for the period of November 3, 2012 and ending November 16, 2012. Voted upon and passed.

4) DISBURSEMENTS:

Motion by, seconded by Pearson, seconded by Forte, to approve the below listed disbursements: Voted upon and passed.

General Fund: Farm & Home Oil Co. \$1,277.12; Harris and Harris \$4,221.35; Service Electric Telephone \$455.60; West Group \$233.50; Ehrlich Green Team \$504.00; United Inspection Agency, Inc. \$830.00; Merry Maids \$94.34; Valero \$1,227.87; Exxon Fleet Services \$189.71; PA Dept of Labor and Industry \$78.63; Keystone Municipal Services Inc. \$3,090.00; Frontier \$392.22; Verizonwireless \$240.21; Hartford Life Insurance \$188.55; Holicong Locksmiths \$3,096.67; Madden \$47.70; Phelan \$68.06; Ford Motor Credit - Municipal \$9,096.93; Keystone Municipal Services Inc \$2,940.00; DVHIT-W7090 \$20,676.74; Armour & Sons Electric, Inc \$1,154.40; Harrow Wash Station \$7.00; Selective Insurance \$11,797.00; Met-Ed \$21.17; H.A. Thomson, Risk Management \$1,006.00; Met-Ed \$360.67; Harris and Harris \$3,661.50; Eagle's Peak \$26.10; Holicong Locksmiths \$2,694.34; Valero \$1,531.76; Trustees Insurance Fund \$1,445.40; Roger Margot \$302.01; Courier Times, Inc. \$999.10; Ricoh Corp. 864.27; Keystone Municipal Services \$2580. efts \$2126.33 \$2360.89; \$2077.

Payroll Fund: Payroll for pay periods ending 10/19/12, 11/2/12, 11/16/12; efts Federal \$ 5381.32, 5444.27 \$5191.41 State 853.32, 947.44 \$ 833.90.

State Fund: Letterco \$527.50; Farm & Home Oil \$802.14; \$1414.60; Wehrung's \$372.40.

Open Space Fund: DVRFA \$14909.94

Groundwater Fund: Lennon's Small Jobs \$557.45.

5) A. PLANNING:

B. SUBDIVISION & LAND DEVELOPMENT:

6) ZONING:**Authorize advertising a Hearing to enact a Proposed amendment to the Tinicum Township Zoning Ordinance regulating noise:**

Harris said that initially the Chief and Manager were tasked with making revisions to the current noise ordinance. He said that in addition to clarification on noise from ATV's the original ordinance only addressed construction operations and did not address manufacturing or industrial operations. He said that there was also clarification about noise levels for individual ATV's and similar vehicles so they would not exceed the normal decibel limits at the property line. Harris said that the new language stated that noise could not exceed 99 decibels, measured 20 inches from the rear of the muffler at an idle. He read from the ordinance for the public. He said that the ordinance prohibits removal or modification to increase motor noise. He said that operating the specialized vehicle where the noise exceeds 65 dBA at the property line was prohibited.

Harris said that the initial recommendation from the Manager and Chief had therating in residential as 60 dBA at the property line and he recommended that it should be 65 dBA as a normal air conditioner measures 65. He said that they agreed.

Motion by Pearson, seconded by Forte to advertise the ordinance as revised. Voted upon and passed.

John Cole asked if this would affect the noise on public roads. Pearson said it did not. He said that Township was working on a way to deal with that.

Bill Ballantine asked how the Township arrived at 99 dBA. Chief Sabath said that they looked at a model ordinance from another township and then went to an ATV shop to measure the noise from stock vehicles.

Harris said that this ordinance would be back for a hearing on December 4th.

7) POLICE:**8) PUBLIC WORKS:****9) ZONING HEARING BOARD APPLICATIONS:**

Pearson said that the Board was waiting for a written decision on the following hearing.

Written Decision pending for Hearing #4-2012 held November 8, 2012 Property Owner/Applicant Ivy Silver/Ann Sutphin Request a Variance from Tinicum Township Zoning Ordinance Article IX, Section 900, subsection 24, Ordinance 152 Section V, subsection E10 and section 806 (c) part 5 to construct a pool that will be less than 50 feet from the stream bank. This property is identified as Tax Parcel No. 44-22-79 with an address of 23 Twin Lear Road, Pipersville, PA and is a 13.1546 acre +/- tract located in the Residential Agricultural (RA) Zoning District.

Pearson announced the following:

Hearing scheduled for December 13, 2012 at 7:00 p.m. #5-2012 Property Owner William Edmonds Appeals from the action of the Zoning Officer and a Stop Work Order and in the alternative to the appeal of the Zoning Officer's action, Requests a Variance from Tinicum Township Zoning Ordinance Article VIII, Section 804.20 and Section 806 (c) and Article XIII, Section 1302. This property is identified as Tax Parcel No. 44-25-19-1 with an address of 2 Bridge Five Lane, Erwinna, PA and is a .55 acre +/- tract located in the Residential Agricultural (RA) Zoning District. The Planning Commission will review this application prior to the Hearing during their meeting of November 27, 2012 at 7:45 p.m.

10) MISCELLANEOUS:**A. Upper Bucks Regional Emergency Medical Services:**

Adam Mazuik of Upper Bucks Regional Emergency Medical Service was present. He thanked Tinicum for its continued support. He said that the rest of the municipalities have stepped up and all were now on board with an equivalent of one mill to support the ambulance services.

Mazuik said that otherwise, everything went well during the hurricane. He said that they had 35 calls for patient assist during the storm. He said that they tried to keep these patients from being transported and worked with suppliers for oxygen tanks. He said that many people have oxygen concentrators that need power. He said that they did a lot of personal care that they did not log and so it was really more than 35 calls.

Pearson asked Mazuik to share the locations of residents that need extra assistance in an emergency.

The Board thanked the ambulance for it's continued service to the residents.

Forte said that the Board hoped subscriber memberships would increase as well.

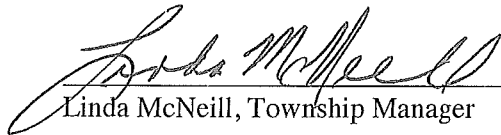
Pearson recessed the regular meeting at 9:35 p.m. for an executive session for ongoing litigation and personnel. Pearson reconvened the meeting at 10:10 p.m. and announced that matters of litigation and personnel were discussed.

11) ADJOURNMENT:

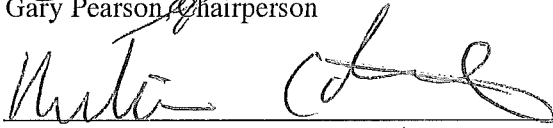
Motion by Dotti, seconded by Forte, to adjourn the meeting at 10:10 p.m. The next regularly scheduled Supervisors' meeting is December 4, 2012 at 7:30 p.m. in the Township Building.

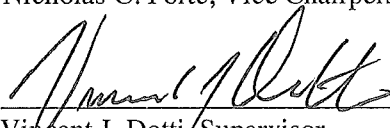
TINICUM TOWNSHIP SUPERVISORS

Attest:


Linda McNeill, Township Manager


Gary Pearson, Chairperson


Nicholas C. Forte, Vice Chairperson


Vincent J. Dotti, Supervisor