

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 DECEMBER 18, 2012

Chairperson Gary Pearson called the meeting to order at 7:30 p.m. Vice Chairperson Nick Forte and Supervisor Vincent Dotti were present with Solicitor Steve Harris, Engineer Tom Fountain and Manager Linda McNeill. Chris Ruvo of the Intel and Hal Marcovitz of the Morning Call were in attendance. There were approximately 15 persons in the audience.

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

PUBLIC SESSION:

Boyce Budd of Geigel Hill Road said that after Hurricane Sandy there were 40 or 50 people that were completely trapped by trees and he wanted to comment on the extraordinary job done by Public Works in getting a path cleared to make access. He could not believe all the work done by these four people and he wanted to thank them publicly. There was applause. Pearson said it was just our normal Public Works crew and they did an outstanding job.

A. Old Business:

PennDOT correspondence:

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

Del Val Fire Co Chief Chris Chevalier said that the company responded to 19 calls in November (14 fire 4 QRS and 1 fire police). He said that the dinners and hall rentals would not resume until March. He said that during January and February, the temperature can be detrimental to the equipment, which must be moved outdoors for the events and repairs can cost more than any fund raising activity can make.

Chevalier said that the new rescue boat had been delivered and they were putting equipment on it, hoping it would be in service sometime in January. He invited anyone interested to come down and see it. He said the boat travels through 4-5 inches sitting and only 2 inches of water while planing. He said that Del Val would start training on it soon.

Public Works Director, Doug Skelton said that his department was still cleaning up from the hurricane and performing repairs to the park. He said that other than that, they were preparing for winter weather.

Dotti asked Skelton if he knew about some poles that were still down. Skelton said he had received many calls about downed telephone lines and from what he understood, Frontier would not agree to pay their employees any overtime for hurricane cleanup so customers were forced to wait for service. Pearson said that the homeowners should continue to call the phone company.

Office Hours: Mon. Tue. Thurs. Fri. 9am-5pm, Wed. 9am-Noon
Phone: (610) 294-9154
Fax: (610) 294-9889

C. New Business:**Advertised Hearing for Noise Ordinance Revisions to No. 192:**

Harris said that this ordinance had been approved by both planning commissions. He said that it had been thoroughly reviewed and was ready for consideration of adoption. Bill Ballantine thanked the Board for the work done on the noise ordinance. He asked about the 99 decibel threshold as he thought this was a bit high. He said that his tractor measured 80 decibel and his lawn mower 40 db. Harris said that the chief went to Montgomeryville Cycle and measured noise on unaltered stock vehicles and this number was the result of that measurement.

Ballantine asked if the noise ordinance meant that general disturbance could not measure more than 65 decibel at the property line. Harris said that was correct. He said that 65 decibel was the level of an air conditioner.

Pearson asked if there were further comments or questions. There were none.

Motion by Forte, seconded by Dotti to adopt the noise ordinance as written.

Pearson recessed the regular meeting at 7:41 p.m. for an executive session to discuss open space.

Pearson reconvened the regular meeting at 8:00 p.m. and announced that there was nothing to report.

Ad-hoc Open Space Committee:

Forte said the Township refinanced the open Space Bond which gave us approximately 1.8 million to work with. He said that rather than start a permanent open space commission again, the Board was considering an ad-hoc committee to review procedures and make suggestions for improvements. He said that once the task was done, the ad-hoc committee would be as well. Dotti said that this group could get to work and this could lead to a very proud and accomplished open space committee as we've had in the past. Pearson said he thought it was a great idea.

The Board invited applicants for the Committee and asked McNeill to list this committee on the re-org agenda.

Fire Company Fund Distribution:

Ottsville 34.5%, Del Val 53.5%, Point Pleasant 8%, and Upper Black Eddy 4%

Pearson said that in the past, the Township never really had a great way to determine how much of the Township was covered by each fire company. Pearson said that he met with the President of Ottsville Fire Company, Gunther Mauk years ago, before he was on the Board of Supervisors and the two other fire companies and they had recommended a split to the Board of Supervisors where both DelVal and Ottsville were at 49% and Upper Black Eddy and Pt. Pleasant were each 1%. He said that since then, the Township had developed Geographic Information System mapping (GIS) system and the township could now determine what area was served by what company and those percentages were Ottsville 34.5%, Del Val 53.5%, Point Pleasant 8%, and Upper Black Eddy 4%.

Pearson said that the funds that the Township distributes to the fire companies were foreign fire tax, which is a tax on insurance companies who sell fire insurance in Pennsylvania, but are not located in Pennsylvania, which the Township then passes on to the applicable Fire Company, and the fire tax that the Township collects, along with any other funds that the Township has to distribute. Forte asked if those numbers were geography, or population. Pearson said it was a geographic area. Forte said that some areas could have apartments, and other areas could have game lands. Dotti said that the Township did not have this technology in the past when it was originally set up. He said that he felt that this was a fair way to distribute and the way that most municipalities distribute.

Martie Kyde asked if the fire companies helped each other. Pearson said that they did. He said that there was a system in place that says when another company was added. Budd asked if the distribution was based on square miles or population. Pearson said square mile-area.

John Cole of Hollow Horn Road said that allocation of funds based on geographic areas was proper if the smaller area had a greater population. Pearson said that there had to be a basis to divide the

funds and the current formula was not fair to any of the fire companies. Dotti said that the geographic area was a fixed amount that would not change, and population can change at any time. He said that he spoke with Pt. Pleasant and they have a similar situation and divide funding by geographic area.

Motion by Dotti to approve the reorganization and redistribution policy of pass-through funds to the fire companies. Forte abstained.

Pearson asked Harris if he should recuse himself as a member of Del Val Fire Company. Harris asked him if he received any financial benefit as a result of the distribution of these funds. Pearson said no. Harris said he could vote.

The motion was seconded by Pearson. Voted upon and passed. Forte abstained.

Hurricane Sandy possible FEMA Disaster Declarations:

McNeill said she received a call from PEMA (Pa Emergency Management Agency today. She said that right after the hurricane, Bucks County Emergency Management brought PEMA through the Township to assess public damage (not private). She said this was always the first step. She said that the Counties collect this data and then report to the State. She said that a certain threshold must be reached before Federal Funding could be applied for. She said that Pennsylvania was several million dollars short of the threshold at this point so PEMA had asked everyone to resubmit their costs in hopes of meeting the eligibility threshold. She said that Skelton was a pro at this and has given her totals to pass on to PEMA

Dotti said that private property damage was very high and there was an Emergency Forest Restoration Program out of Perkasie. He said that the intent was to supply financial remediation for clean up and timber removal. He said that right now, the program did not have funding, but would be applying for it at the next cycle and anyone who was interested should contact the office in Perkasie and apply for the funding as soon as possible.

Serfass said that Bridgeton was going to include the cleanup on their green zone open space because FEMA allows \$500 per tree to clean them up.

Upper Black Eddy Fire Chief Serfass of Upper Black Eddy Fire said that Supervisor Dotti contacted him about the Board's review of the fire tax allocation. He said that right now, they were running 19 percent of their calls in Tinicum and the contribution from Tinicum was less than .8% of their annual budget.

Dotti asked Serfass if the trees that were laying presently were a fire hazard. Serfass said he has contacted all the agencies possible as these trees were a potential for fire that our fire companies cannot handle. He said that he has asked all agencies to give firewood permits so that they were cleaned up as soon as possible.

1) MINUTES:

Motion by Pearson, seconded by Dotti, to approve the Minutes of the Meeting of November 20, 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 November 2012. Voted upon and passed.

3) PAYROLL REPORT:

Motion by Pearson, seconded by Forte, to approve the Payroll Report for the period of November 17, 2012 and ending November 30, 2012. Voted upon and passed.

Motion by Pearson, seconded by Forte, to approve the Payroll Report for the period of December 1, 2012 and ending December 14, 2012. Voted upon and passed.

4) DISBURSEMENTS:

Motion by Pearson, seconded by Forte, to approve the below listed disbursements:

General Fund: Upper Bucks Regional EMS, Inc \$51,000.00; Exxon Fleet Services \$556.46; Verizonwireless \$238.48; United Inspection Agency, Inc. \$145.00; Hartford Life Insurance \$188.55; Justine A. Gregor \$160.00; Merry Maids \$94.34; Keystone Municipal Engineering \$2,008.00; DVHIT-W7090 \$20,676.74; McNamara, Bolla, Williams & Panzer \$546.00; Informant Technologies \$1,560.00; Gall's Inc. \$145.09; Delguerico's Disposal Service \$130.00; Selective Insurance \$11,797.00; Pennteledata \$563.73; Keystone Municipal Services Inc \$2,280.00; Met-Ed \$17.57; United Inspection Agency, Inc. \$470.00; efts \$2587.28; Linda McNeill \$28.03; Merry Maids \$94.34; Met-Ed \$304.40; Blum-Moore Reporting Services \$250.00; Courier Times, Inc. \$575.30; PSATS \$1,429.00; Ricoh Americas Corp \$300.93; Harris and Harris \$4,000.00; Earth Link \$41.90; Delguerico's Disposal Service \$131.95; Eagle's Peak \$14.10; Frontier \$144.97; Ricoh Americas Corp \$235.58; Service Electric Telephone \$341.47; Bucks County Planning Commission \$567.27; Staples \$497.38; PA Dept of Envir Protection \$50.00; DVHIT-W7090 \$18,060.05; efts \$2175.78. Payroll Fund: Payroll for pay periods ending 11/30/12 & 12/14/12; efts Federal \$6310.81 \$5438.28; State \$ 1038.29; \$873.16 State Fund: Vanderlely's Truck Sales and Service \$99.12; Plumstead Materials\$543.84; Michaels Garage \$200.00; NAPA of Ottsville \$363.35; Farm and Home Oil \$1440.68; Wehrung's \$301.94; Reading Equipment \$1361.00. Escrow Fund: Lake Warren Partnership \$30,000.00 Groundwater Fund: Lennon's Small Jobs \$518.50 & \$38.95; Global Water \$703.00. Open Space Fund: Del Val Regional Finance \$14909.94. Voted upon and passed.

5) A. PLANNING:

B. SUBDIVISION & LAND DEVELOPMENT:

6) ZONING:

Request from Edward Murphy, Esquire on behalf of Pediatric Specialty Care, to approve a change of use from patient care facility to administrative function and to reallocate 3 of the resident beds to Deer Run Cottage:

Edward Murphy was present for the discussion with Richard George, contractor, Mike Burns CEO of Pediatric Specialty Care and Gene Joseph, COO of Pediatric Specialty Care. He presented copies of the plan for the Board. He said that there were six beds previously allocated in the Birchwood Facility and three of them would be retired -the other three reallocated to the Deer Run Facility. He said that the Birchwood Facility, because of its condition might be retired for patients and used for administrative use only. He said that since then, there has been some confusion as it relates to Ocean Cottage.

He said than in February of 2011, they took over this property and had been making improvements. He said that the Deer Run Facility was now state of the art was licensed for 15 and had 9. He said he wanted to decommission the decrepit building and put three beds additional beds into the Deer Run Facility. Dotti asked if these were separate lots. Burns said they were. Dotti asked what would happen if a lot was sold independently. Harris said it was possible, but the lot would probably not stand on it's own. Burns said he would not have invested so much into it if he thought he would possibly sell it. Harris said a covenant could be entered into that the lots would not be sold separately as long as this use was continuing on the property. Burns said their intent was to continue to operate the facility. Forte said that these lots had a flag lot in between and were not contiguous. Harris said that an agreement on these three lots was feasible. Forte said that would bring the concern down. Harris asked what the maximum population was. Burns said the maximum was 65.

Harris said that Manor House was listed as not occupied and when previous approvals were given, it was agreed that it would not be used for children. Burns said that they have not gotten to that building or admin space yet. Harris said that if the Board were prepared to agree to a maximum of 12 at

Deer Run, Birchwood as administrative, Ocean being 53 and the Manor House not being used for childcare, subject to the conditions of a unilateral declaration of covenants and restrictions that the property would not sold or separated unless it was used for institutional purposes. Burns said he agreed to that. Burns said that they were going to make the admin building one nice level and would not be moving forward with the addition they had planned. Harris said that the zoning office has issued a stop work order.

McNeill said that the Zoning Officer was uncomfortable with this going forward without a land development plan. She said that one concern was parking. She said that the Township did not have any information about sewage capacity or utilities - there were only approximate placements as given by Cambridge and the Township should review that before any approvals were given. She said that the plans only showed the approximate location of a drainfield and that the other parcels had the new permitted sandmounds on them.

Harris said that nothing else was changing and he was not sure that land development was needed, but submission of a plan showing the facility should be submitted. Dotti said that he did not think full blown land development was needed, but he would like the Township Engineer to review parking and other relevant requirements such as sewage capacity on a plan submission. Burns said that no additional parking was needed as a lot of the children had little or no visitors. He said that the caregiver number would not be changing.

Harris suggested the standard professional services agreement to cover the Township Engineer's review.

Motion by Pearson, seconded by Forte subject to review and approval by the Township Engineer and a signed restrictive covenant prohibiting separation of the parcels, and the applicant reimbursement to the township for all its review and permit costs. Voted upon and passed.

It was agreed that the maximum number of patients at Deer Run would be 12, Ocean 53 and the Manor House will not be used for patient care.

Airport Overlay District Ordinance:

Harris said that because of changes, this had to go back to the Planning Commissions for final review.

Motion by Pearson, seconded by Forte, to authorize advertising this ordinance for a hearing in February to enact. Voted upon and passed.

Dotti directed the Manager to forward this to the ad-hoc airport committee for their review and comments.

7) POLICE:

8) PUBLIC WORKS:

9) ZONING HEARING BOARD APPLICATIONS:

10) MISCELLANEOUS:

A. Authorization to invoice Nockamixon and Bedminster Township - reimburse Workers' Compensation Premium paid by Tinicum Township, pursuant to Act 60 of 2002 as follows:

Pearson said that Tinicum Township was required to cover the worker's compensation insurance for the volunteer fire companies located in Tinicum, even when those companies serve other communities. He said that of the worker's compensation insurance Tinicum pays, approximately \$11,000 is for service to other communities. He said that this calculation was based on population and was done by the insurance company. Bedminster: 25.3% of \$21,975=\$5560, Nockamixon: 25.4% of \$21,975=\$5586 (Tinicum is the balance= \$10,829)

Motion by Pearson, seconded by Dotti to authorize the Manager to invoice the communities for their share of the worker's compensation insurance. Voted upon and passed.

B. Household Hazardous Waste and Electronics Collection Program 2013-2016:

Commitment for Tinicum Township to pay its proportional share of disposal costs, \$567.27 per year for four years.

Motion by Pearson, seconded by Forte to participate in the above program. Voted upon and passed. Pearson urged everyone to take their hazardous waste to one of the participating locations.

The Board signed the Riley O&M Agreement provided to them by Steve Harris.

Pearson recessed the regular meeting for an executive session at 8:50 p.m. for matters of litigation. Pearson reconvened the meeting at 8:52 p.m. and announced that there was no action to take.

11) ADJOURNMENT:


Motion by Pearson, seconded by Forte to adjourn the meeting at 8:52 p.m. Voted upon and passed. The Board of Supervisors will meet to re-organize Township business on Monday, January 7, 2013 at 7:30 p.m. in the Township Building. The Board wished everyone a safe and happy holiday.

TINICUM TOWNSHIP SUPERVISORS

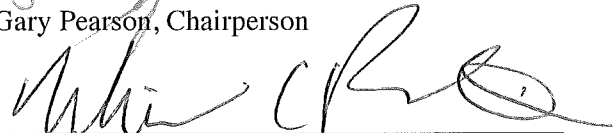
Attest:



Linda McNeill, Township Manager



Gary Pearson, Chairperson



Nicholas C. Forte, Vice Chairperson



Vincent J. Dotti, Supervisor